

STATE OF INDIANA) FILED IN) IN THE LAKE CIRCUIT COURT
CLERK'S OFFICE
COUNTY OF LAKE) CAUSE NO.

'06 OCT 24 AM 9 14

45C010610PL00458

THOMAS R. PHILPOT
COMMISSIONER, INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT,

Plaintiff,

vs.

ROBERT W. FEDDELER and
JULIE FEDDELER, each
personally and individually,
R&M ENTERPRISES and
R&M ENTERPRISES OF LOWELL, INC.
d/b/a FEDDELER LANDFILL, and
MIDWEST RESOURCE, LLC,
GROUP RESOURCE, LLC and
DENNIS A. HUNTER, personally and individually
and TOUCH OF GRASS, INC.

Defendants.

CERTIFIED MAIL/
POST MARKED

OCT 19 2006

**VERIFIED COMPLAINT FOR PRELIMINARY AND PERMANENT INJUNCTION
AND FOR CIVIL PENALTIES AND COSTS**

The Plaintiff, the Commissioner of the Indiana Department of Environmental Management ("IDEM"), by counsel, Steve Carter, Attorney General of Indiana, through his Deputies, hereby files a Verified Complaint for Preliminary and Permanent Injunction and for Civil Penalties and Costs against the Defendants, Robert W. Feddeler, Julie Feddeler, each personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, located at 10100 West 181st Avenue, Lowell, Indiana, (Lake County) and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually, and Touch of Grass, Inc. seeking:

- A. To enjoin Robert W. Feddeler, Julie Feddeler, each personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually, from further violation of IDEM's statutes and rules concerning solid waste land disposal and violations of Facility Permit #45-08 at 10100 West 181st Avenue, Lowell, Indiana (Lake County), ("the Site"), and;
- B. An Order affirmatively requiring Robert W. Feddeler and Julie Feddeler, each personally and individually, R&M Enterprises and R&M Enterprises of Lowell, Inc., Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually, to expeditiously and properly close the landfill and, in addition, secure the monitoring wells for the Site that are in violation of IDEM's solid waste disposal rules and Facility Permit #45-08 requirements.
- C. In addition, IDEM seeks an Order requiring Robert W. Feddeler and Julie Feddeler, each personally and individually, R&M Enterprises and R&M Enterprises of Lowell, Inc., d/b/a Feddeler Landfill, Midwest Resource, LLC, and Dennis Hunter, personally and individually, to pay to IDEM statutory civil penalties for violations of the State's environmental statutes and rules and landfill Facility Permit #45-08.
- D. Finally, IDEM seeks an order authorizing IDEM to enter the Site to conduct maintenance and proper closure of the landfill and secure monitoring wells at the site if Robert W. Feddeler and Julie Feddeler, each personally and individually, R&M Enterprises and R&M Enterprises of Lowell, Inc., d/b/a Feddeler Landfill, Midwest Resource, LLC, Group Resource, LLC, and Dennis Hunter, personally and individually, fail to conduct such activities and requiring Robert W. Feddeler

and Julie Feddeler, each personally and individually, R&M Enterprises and R&M Enterprises of Lowell, Inc., d/b/a Feddeler Landfill, Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually, to pay to or otherwise reimburse IDEM the reasonable costs of IDEM's cap, closure and maintenance of the landfill and securing of monitoring wells, if such landfill maintenance and landfill closure and securing of the monitoring wells become necessary.

In support thereof, IDEM states:

1. IDEM is an agency of the State of Indiana. Ind. Code § 13-13-1-1 et seq.

IDEM's mailing address is 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

2. Robert W. Feddeler, personally and individually, and R&M Enterprises / R&M Enterprises of Lowell, Indiana, Inc. d/b/a Feddeler Landfill, operated a landfill with Facility I.D. 45-08, located at 10100 West 181st Avenue, Lowell, Indiana. The Defendants' mailing addresses for the purposes of service of process are as follows:

Robert W. Feddeler
18501 Clark Road
Lowell, Indiana 46356

Robert W. Feddeler, President
R&M Enterprises d/b/a Feddeler Landfill
18501 Clark Road
Lowell, Indiana 46356

Registered Agent for
R&M Enterprises of Lowell, Indiana, Inc.
c/o Dwayne C. Isaacs
2700 Market Tower
10 W. Market St.
Indianapolis, IN 46204

3. Robert W. Feddeler is a responsible corporate officer of R&M Enterprises / R&M Enterprises of Lowell, Indiana, Inc. d/b/a Feddeler Landfill and is personally and individually responsible for compliance with IDEM's statutes and rules.

4. Robert W. Feddeler is President of R&M Enterprises / R&M Enterprises of Lowell, Indiana, Inc. d/b/a Feddeler Landfill.

5. Robert W. Feddeler has historically been responsible for all aspects of operations and maintenance at the Site.

6. Robert W. Feddeler signed a Solid Waste Permit Application submitted to IDEM for the Site in 1997 in his individual capacity. See Exhibit 1.

7. Robert W. Feddeler has failed to comply with IDEM's statutes and rules or ensure that his delegates comply with IDEM's statutes and rules. See Exhibit 6.

8. Julie Feddeler, personally and individually, operated a landfill with Facility I.D. 45-08, located at 10100 West 181st Avenue, Lowell, Indiana 46356. The Defendant's mailing address for the purposes of service of process are as follows:

Julie Feddeler
c/o Ooms Brothers
1201 Forsythia St.
DeMotte, IN 46310

9. Julie Feddeler is a responsible corporate officer of R&M Enterprises / R&M Enterprises of Lowell, Indiana, Inc. d/b/a Feddeler Landfill and is personally and individually responsible for compliance with IDEM's statutes and rules.

10. Julie Feddeler was listed on a Solid Waste Permit Application submitted to IDEM for the Site in 1997 as "Facility Contact." See Exhibit 1.

11. Julie Feddeler has had authority to enter into settlement negotiations with IDEM regarding violations of IDEM's statutes and rules at the Site. See Exhibit 2.

12. Julie Feddeler has historically been responsible for a majority of aspects of operations and maintenance at the Site.

13. Julie Feddeler has failed to comply with IDEM's statutes and rules or ensure that her delegates comply with IDEM's statutes and rules.

14. Midwest Resource, LLC and/or Group Resource, LLC currently own the property on which the landfill with Facility I.D. 45-08, is located, at 10100 W. 181st St., Lowell, Indiana. The mailing addresses of Midwest Resource, LLC and Group Resource, LLC for the purposes of service of process are as follows:

Registered Agent for both
Midwest Resource, LLC
and Group Resource, LLC
Dennis Hunter
8002 Austin Ave
Schererville, IN 46375

Midwest Resource, LLC
Group Resource, LLC
P.O. Box 11178
Merrillville, IN 46411

Midwest Resource, LLC
P.O. Box 651
Hammond, IN 46325

15. Midwest Resource, LLC and Group Resource, LLC have failed to comply with IDEM's statutes and rules.

16. Dennis Hunter is a responsible corporate officer of Midwest Resource, LLC, and Group Resource, LLC and in his position, he is responsible for Midwest Resource, LLC and Group Resource, LLC's compliance with IDEM's statutes and rules.

17. Dennis Hunter, as a responsible corporate officer, has personally performed maintenance and upkeep of the Site by removing debris and erecting fencing around the Site.

18. Dennis Hunter has failed to comply with IDEM's statutes and rules or ensure that his delegates comply with IDEM's statutes and rules.

19. Touch of Grass, Inc. is an Indiana corporation with its principal place of business at 10100 W. 181st Ave., Lowell, Indiana. Touch of Grass, Inc.'s mailing address for the purposes of service of process is:

Touch of Grass, Inc.
Registered Agent
Brian A. Brinkman
17386 Bonnie Ln.
Lowell, IN 46356

20. Touch of Grass, Inc. operates a landscaping business within the landfill property described in Facility Permit #45-08. Access to the Site's disposal cells and monitoring wells can only be gained through the property on which Touch of Grass, Inc. is located.

21. This Court has jurisdiction over Robert W. Feddeler, Julie Feddeler, personally and individually, R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, Midwest Resource, LLC, Group Resource, LLC, and Dennis Hunter, personally and individually and Touch of Grass, Inc. and the subject matter of this action because the Site is located in Lake County.

22. IDEM may proceed in court, by appropriate action, to, among other things, procure or secure compliance with Title 13 of the Indiana Code or any law that IDEM has the duty and power to enforce. Ind. Code § 13-14-2-6. Additionally, under Ind. Code § 13-30-1-1, the Indiana Attorney General may bring an action for declaratory and equitable relief in the name of the State against an individual or other entity for the protection of the environment of Indiana from significant pollution, impairment, or destruction. The court may grant temporary and permanent equitable relief or impose conditions upon the Defendant that are required to protect the environment from pollution, impairment, and destruction. Ind. Code § 13-30-1-11. Also, a person who violates any provision of the environmental management laws or rules of the State is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation. Ind. Code § 13-30-4-1(a). IDEM may recover the civil penalty in a civil action commenced in any court with jurisdiction and request in the action that the person be enjoined from continuing the violation. Ind. Code § 13-30-4-1(b).

23. IDEM alleges that Robert W. Feddeler, Julie Feddeler, each personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and

individually are liable for current and ongoing violations of several environmental laws and rules of the State of Indiana and violations of the solid waste facility Permit #45-08 issued by the Indiana Department of Environmental Management, as follows:

a) No person shall cause or allow the storage, containment, processing, or disposal of solid waste in a manner which creates a threat to human health or the environment, including the creating of a fire hazard, vector attraction, air or water pollution, or other contamination. 329 IAC 10-4-2. Robert W. Feddeler, Julie Feddeler, each personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually are storing, containing, processing, and/or disposing of solid waste, at the Site in a manner that creates a threat to human health and the environment in violation of 329 IAC 10-4-2.

b) On August 21 and September 13, 2006, IDEM inspected the Site and found that Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually are in violation of the solid waste rules and regulations and water rules and regulations and the Facility Permit #45-08, as follows:

- 1) Specifically, the access road was unsecured allowing anyone access to the landfill;
- 2) The landfill surface was overgrown with weeds and small trees, causing soil erosion to be evident on the slopes;
- 3) Sedimentation was being discharged into waters of the state;
- 4) Final cover soils were never applied to the landfill;

- 5) Sedimentation fencing was not found on the downward slopes of the landfill or soil stockpiles;
- 6) Pooling of surface water was observed on the areas of low elevation of the closed cells of the landfill;
- 7) The monitoring wells were found unsecured and compromised due to the lack of padlocks; and
- 8) The roads leading to the monitoring wells were found blocked and inaccessible.

See Exhibit 3 (August 21 and September 13, 2006 inspection reports of Robert Lamprecht and accompanying photographs).

24. Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually have violated and continue to violate several additional statutory and regulatory requirements meant to protect public health and the environment.

- (a) A person may not deposit any contaminants upon the land in a place and manner that creates or would create a pollution hazard that violates or would violate a rule adopted by one of the environmental boards. Ind. Code § 13-30-2-1(3). Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually have deposited contaminants in a manner that is vulnerable to erosion and leachate migrating from the Site and is therefore, in violation of 329 IAC 10-4-2 and 329 IAC 10-4-3, which are rules

adopted by the Solid Waste Management Board (“the Board”), thus violating Ind. Code § 13-30-2-1(3).

- (b) A person may not dump, cause or allow the open dumping of garbage or of any other solid waste in violation of rules adopted by the Board. Ind. Code § 13-30-2-1(5). Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually, have deposited or allowed the deposit of solid waste that is vulnerable to erosion and leachate migrating from the Site in violation of the Board’s rules at 329 IAC 10-4-2 and 329 IAC 10-4-3, and, therefore, is in violation of Ind. Code § 13-30-2-1(5).
- (c) A person may not cause or permit any organic or inorganic matter that causes or contributes to a polluted condition of any waters to be drained or allowed to seep into any waters of the state in violation of rules adopted by the Water Pollution Control Board. Ind. Code § 13-18-4-5(2). Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually have allowed sediment to drain from the Site and into waters of the state in violation of the Water Pollution Control Board’s rules at 327 IAC 2-1-6 and 327 IAC 5-2-2, and, therefore, are in violation of Ind. Code § 13-18-4-5(2).
- (d) A person may not discharge any contaminant into the environment in any form that causes pollution and that violates rules adopted by the Water Pollution Control Board. Ind. Code 13-30-2-1 (1). Robert W. Feddeler, Julie

Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually have allowed sediment to discharge from the Site and into waters of the state without a permit authorizing such discharge in violation of the Water Pollution Control Board's Rules at 327 IAC 5-2-2 and 327 IAC 15-6-2, and therefore, are in violation of Ind. Code 13-30-2-1(1).

25. IDEM alleges that Robert W. Feddeler, Julie Feddeler, each personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually, improperly maintained and operated and never properly closed the landfill and are in violation of other solid waste requirements at the Site, and that these conditions at the Site continue to pose a substantial, immediate, and irreparable threat to the environment and the public.

26. In the past seven (7) years, IDEM has attempted to work with Robert W. Feddeler, Julie Feddeler, R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and more recently with Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter to correct the violations of the environmental laws, rules, and Facility Permit #45-08, but to no avail. Exhibit 4 (June 21, 1999, inspection report of Tom Daugherty of Solid Waste Technical Compliance); Exhibit 5 (June 27, 2001, Notice and Order of the Commissioner); Exhibit 6 (December 28, 1998, Notice of Violation to Robert W. Feddeler, President, R&M Enterprises d/b/a Feddeler Landfill); and Exhibit 7 (August 21, 2006 inspection report sent to Mr. Dennis Hunter).

27. The continuing violations by the Defendants indicate a pattern of non-compliance, which must be abated to prevent further actual and potential damage to public health and the environment through an order of this Court for injunctive relief.

28. Unless enjoined by this Court, it is believed that Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually will continue to violate the applicable environmental laws and rules, which will result in immediate and irreparable harm to the air, water, and land in and around the Site, to IDEM, and to the citizens of Indiana.

29. The harm to IDEM, if injunctive relief is not granted, outweighs the harm to Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually, and Touch of Grass, Inc. if injunctive relief is granted.

30. The interests of the public will be served by granting injunctive relief and there is a strong likelihood that IDEM will prevail on the merits of its Complaint for Preliminary and Permanent Injunction.

31. Preliminary and Permanent Injunctions are necessary to prevent further harm to the environment and to eliminate the possibility that the conduct of the Defendants at the Site could result in permanent, irreparable damage to the environment and the public.

32. Pursuant to Indiana Trial Rule 65(C), IDEM, as a government entity, need not post security to obtain injunctive relief.

33. With this Complaint, IDEM submits its Memorandum in Support of Verified Complaint for Preliminary and Permanent Injunction and for Civil Penalties and Costs.

WHEREFORE, the Commissioner of the Indiana Department of Environmental Management respectfully requests that, following a hearing on IDEM's Complaint, the Court issue a Preliminary Injunction:

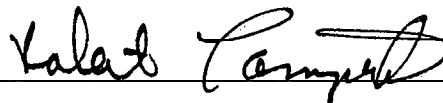
- (a) Requiring Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually, to cap and properly close the landfill pursuant to 329 IAC 10-36 and 37 and Facility Permit #45-08 and to secure the Site to prevent unauthorized access and to abate further violation of the aforementioned applicable requirements according to the following schedule:
 - 1) Properly secure and padlock the monitoring wells, secure all access roads to the Site and open all access roads to monitoring wells around the Site within thirty (30) days of an Order of this Court;
 - 2) Repair all areas of the landfill that allow leachate to escape from the disposal cells of the landfill within forty-five (45) days of an Order of this Court;
 - 3) Properly apply final cover soils to the landfill within sixty (60) days of an Order of this Court, and ensure that there is no pooling of water on the Site or sedimentation or leachate leaving the site, within ninety (90) days of an Order of this Court;
 - 4) Establish and maintain vegetation on the final cover within one hundred and twenty days (120) days of an Order of this Court; and

- (b) Granting IDEM and its contractors the authority to enter the Site, through the property occupied by Touch of Grass, Inc., to conduct activities necessary to establish a final cover, cap, closure or securing of monitoring wells necessary with regard to the landfill, if Defendants fail to conduct such actions as ordered by the Court, and ordering Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC, Group Resource, LLC and Dennis Hunter, personally and individually to reimburse IDEM for the reasonable costs IDEM incurs with regard to any such action, in an amount to be determined at a future hearing before this Court; and
- (c) Requiring Robert W. Feddeler, Julie Feddeler, personally and individually, and R&M Enterprises and R&M Enterprises of Lowell, Inc. d/b/a Feddeler Landfill, and Midwest Resource, LLC and Dennis Hunter, personally and individually to pay to IDEM civil penalties for the aforementioned violations, in an amount to be determined at a future hearing before this Court.

Pursuant to Ind. Trial Rule 65(A)(3), IDEM further requests that the Court set a prompt hearing in this matter and grant IDEM all other just and proper relief in the premises.

VERIFICATION

I affirm, under the penalties of perjury, that the foregoing representations are true, to the best of my knowledge and belief.

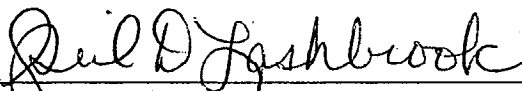


Robert Lamprecht
Office of Compliance and Monitoring
Indiana Department of Environmental Management

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana
Atty. No. 4150-64

By:



Valerie Tachtiris
Deputy Attorney General
Atty. No. 24421-53

April D. Lashbrook
Deputy Attorney General
Atty. No. 25987-56

Indiana Attorney General's Office
Indiana Government Center South-Fifth Floor
302 West Washington Street
Indianapolis, IN 46204
Telephone: (317) 232-6290
Facsimile: (317) 232-7979

EXHIBIT

1



ENTERPRISES, INC.

FEDDELER
CONSTRUCTION / DE
LANDFILL

FILE

FEDDELER C
LAKE CO.
FP# 45-08

LOWELL, IN. 46356

(219) 696-8905
FAX: (219) 696-8954

January 31, 1997

Solid Waste Management Branch
Office of Solid and Hazardous Waste Management
100 North Senate Avenue, P.O. Box 7060
Indianapolis, Indiana 46206-7060

Re: Permit Renewal Application, FP #45-08

Dear Sir or Madam:

Enclosed you will find Solid Waste Land Disposal Facility Permit Renewal Application SWF-5 for the operating permit reference

The names and addresses of all owners or last taxpayers of record of property of adjoining land that is within one-half (1/2) mile of the solid waste boundary are as follows:

Don Bales, Inc., Box 98, 10102 W. 181st Street, Lowell, IN 46356
Robert A. Bruce, 10802 W. 205th, Lowell, IN 46356
Penn New York Central Transportation Co. (address unknown)
State of Indiana, Department of Highway, Lowell, IN 46204
Mr. Gerald Bruce Trust, 124 N. Liberty Street, IN 46356
George & Carol Kooistra, RR#13, P.O. Box 275, Brazil, IN 47834-0000
Robert E & Judy J. Swett, 9910 W. 181st Ave., Lowell, IN 46356-9453

The remaining adjacent property is owned by either Robert W. Feddeler or Julie Feddeler who can be reached at the address at the top of the letterhead. If you have any questions or require additional information please call Julie Feddeler at (219) 696-8905.

Sincerely

Robert W. Feddeler
Robert W. Feddeler

Encl.

RECEIVED

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

RECEIVED

FEB 5 1997
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE LAND DISPOSAL FACILITY
PERMIT RENEWAL APPLICATION SWF-5

To begin:

This application form shall be used to apply for all solid waste land disposal facility permit renewals. Renewal application fee are established by IC 13-20-21. Pursuant to IAC 10-11-4(a), this application must be received by the Commissioner of the Indiana Department of Environmental Management at least 120 days prior to the expiration date of your current permit. Please note the draft date of this form next to the page number; if you have received this form more than 6 months after this draft date it is recommended you contact our office at 317-232-0066 to determine if this form is still current. When completed please return this form and support documents to:

Office of Solid and Hazardous Waste Management (N1154)
Indiana Department of Environmental Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

Section A. Permittee(s) Information

Name: R& Enterprises, Inc.				
Address:	Street 13501 Clark Road	Apt. #	P.O. Box	Town/City Lowell
State	Zip Code IN 46356	Telephone Number (with area code) (219) 696-8905		

Section B. Facility Owner(s) Information

Name: SAME as Section A.				
Mailing Address:	Street	Apt. #	P.O. Box	Town/City
State	Zip Code	Telephone Number (with area code)		

Section C. Operator(s) Information

Name: SAME as Section A.				
Mailing Address:	Street	Apt. #	P.O. Box	Town/City
State	Zip Code	Telephone Number (with area code)		

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FEB 5 1988
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

Section D. Property Owner(s) Information

Name: Peddler Enterpriss, Inc.				
Mailing Address:	Street Same as Section A	Apt. #	P.O. Box	Town/City
State	Zip Code	Telephone Number (with area code)		

Please note that in accordance with 329 IAC 10-13-4(b) the owner, operator & permittee of a solid waste land disposal facility, and the owner or owners of the land upon which the facility is located, shall be liable for any environmental harm caused by the facility

Section E. Facility Information

Facility Name: <u>R&E Enterprises, Inc.</u>		Permit Number: <u>PF#45-03</u>	
Mailing Address: <u>Street</u>	<u>Apt. #</u>	<u>P.O. Box</u>	<u>Town/City</u>
<u>10100 131st Street</u>		<u>Lowell</u>	
Facility Contact Person and Telephone Number (with area code): <u>Mrs. Julie Feddeler (219) 696-8905</u>			
Type of Operation:			
<input type="checkbox"/>	Sanitary Landfill (Municipal Solid Waste Landfill)	<input type="checkbox"/>	Restricted Waste Site Type I
<input type="checkbox"/>	Sanitary Landfill (Non-municipal Solid Waste Landfill)	<input type="checkbox"/>	Restricted Waste Site Type II
<input checked="" type="checkbox"/>	Construction/Demolition (Non-municipal Solid Waste Landfill)	<input type="checkbox"/>	Restricted Waste Site Type III
Acres Permitted for Waste Disposal: <u>41 Acres</u>		Remaining Life of Facility in Years: <u>2.5 Years</u>	
Type of Waste Received: <u>Construction Demolition Waste</u>		Daily Amount Received - Cu Yds. or Tons per Day: <u>apprx. 400 Tons/Day</u>	

Section F. Names and Address of Affected Government Officials

1) Members of the board of county commissioners where facility is located

Typed Name: <u>Rudy Clay</u>	Typed Name: <u>Fran Dupey</u>
Typed Address: <u>Lake County Commissioner</u>	Typed Address: <u>Same</u>
Typed Address: <u>Lake County Government Center</u>	Typed Address: _____
Typed City, St.: <u>2293 N. Main St.</u>	Typed City, St.: _____
Zip: <u>Crown Point, IN 46307</u>	Zip: _____
Typed Name: <u>Gerry Scheub</u>	Typed Name: _____
Typed Address: <u>Same</u>	Typed Address: _____
Typed Address: _____	Typed Address: _____
Typed City, St.: _____	Typed City, St.: _____
Zip: _____	Zip: _____
Typed Name: _____	Typed Name: _____
Typed Address: _____	Typed Address: _____
Typed Address: _____	Typed Address: _____
Typed City, St.: _____	Typed City, St.: _____
Zip: _____	Zip: _____

Section F. Names and Addresses of Affected Government Officials (continued)

2) Mayor(s) of any city(s) affected by the permit application

Typed Name: one

Typed Address: Unincorporated Lake Co.

Typed Address: _____

Typed City, St.: _____
Zip _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____
Zip _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____
Zip _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____
Zip _____

3) President(s) of town council(s) of any town(s) affected by the permit application

Typed Name: Same as above

Typed Address: _____

Typed Address: _____

Typed City, St.: _____
Zip _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____
Zip _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____
Zip _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____
Zip _____

Please use additional sheets as needed to include all local officials affected by this permit application.

Section G. Attachments Required

1. A legal description (defined by 329 IAC 10-2-104) of the facility location, including acreage thereof.
2. The names and addresses of all owners or last taxpayers of record of property of adjoining land that is within one-half (1/2) mile of the solid waste boundary.
3. A topographic plot plan that reflects the current condition of the facility and current elevations taken within six (6) months of the submittal of the application and accurately identifying the following information to a scale as required by 329 IAC 10-15-2(a), 329 IAC 10-24-2(a), or 329 IAC 10-32-2(a):

- b. filled areas lacking final cover, grading and seeding
c. current areas of operation, including depth of waste fill
d. projected solid waste disposal areas on a per year basis for the next five (5) years
4. A copy of the fee transmittal form and check for a renewal fee as established by IC 13-20-21. Submit check and origin of fee transmittal form to IDEM Cashier's Office to address shown on transmittal form.

Section H. Signatures and Certification Statements

329 IAC 10-11-3(d) requires that the signatory for a permit application sign the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information."

Robert W. Feddeler
APPLICANT'S SIGNATURE

1-31-97
DATE

Robert W. Feddeler
APPLICANT'S NAME TYPED

RECEIVED

FEB 5 1997

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

RECEIVED

FEB 5 1997

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

PLAT OF SURVEY FEDELER LAND FILL PART OF SECTION 21, T33N, R9W WEST CREEK TOWNSHIP, LAKE COUNTY, INDIANA

DESCRIPTION

Part of the West half of the Southeast Quarter of Section 21, Township 33 North, Range 9 West in West Creek Township, Lake County, Indiana, more particularly described as follows:

Commencing for reference at a found monument with brass plug at the Southeast Corner of said Section 21 (E-40) and the centerline intersection of State Route 2 and Parish Avenue; thence North 89°45'33" West a distance of 1321.01 feet along the South line of said Section 21 and the Centerline of said State Route 2 to a point at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 21; thence North 01°05'08" West a distance of 88.35 feet along the East line of the Southwest Quarter of the Southeast Quarter of said Section 21 to a set 5/8 inch rebar with a plastic cap at the POINT OF BEGINNING, thence

North 77°41'37" West a distance of 31.89 feet to a set 5/8 inch rebar, thence South 85°57'05" West a distance of 200.56 feet to a set 5/8 inch rebar, thence South 71°27'20" West a distance of 155.27 feet to a set 5/8 inch rebar in the northerly right of way line of said State Route 2; thence South 00°14'27" West a distance of 30.00 feet to a set P.K. nail in the South line of said Section 21 and the centerline of said State Route 2; thence North 89°45'35" West a distance of 78.01 feet along the South line of said Section 21 and the centerline of said State Route 2 to a set P.K. nail on a bridge over the centerline of a Creek being the southeasterly corner of the Don Bales, Inc. tract as recorded in the office of the Lake County Recorder, Document Record 447543; thence North 00°19'37" East a distance of 498.70 feet along the centerline of said Creek and the easterly line of the said Don Bales, Inc. tract to a set 5/8 inch rebar in the centerline of said Creek, thence North 26°56'35" West a distance of 409.00 feet along the centerline of said Creek and the easterly line of the said Don Bales, Inc. tract to a set 5/8 inch rebar in the centerline of said Creek, thence North 40°08'14" West a distance of 87.00 feet along the northeasterly line of the said Don Bales, Inc. tract to a set 5/8 inch rebar at the northwesterly corner of the said Don Bales, Inc. tract and being the northeasterly corner of the Lowell Stone Products, Inc. tract of land as recorded in the office of the Lake County Recorder, Document Record 134835; thence North 79°05'12" West a distance of 245.09 feet along the north line of the said Lowell Stone Products, Inc. tract to a set 5/8 inch rebar at the northwesterly corner of the said Lowell Stone Products, Inc. tract and being in the easterly right of way line of the Conrail Railroad, 62.50 feet east of (measured perpendicular) the centerline of the said Conrail Railroad; thence North 10°55'01" East a distance of 1803.45 feet along the easterly right of way line of the said Conrail Railroad (62.50 feet east of and parallel to the centerline of said Conrail Railroad) to a set 5/8 inch rebar in the north line of the Southeast Quarter of said Section 21; thence leaving said Railroad South 89°46'34" East a distance of 545.33 feet along the north line of the Southeast Quarter of said Section 21 to a set 5/8 inch rebar at the Northerly corner of the Northwest Quarter of the Southeast Quarter of said Section 21; thence South 57°55'16" East a distance of 3558.36 feet along the east line of the West half of the Southeast Quarter of said Section 21 to the Point of Beginning, containing 39.743 acres. All the above set 5/8 inch rebars have a plastic cap with the number S0475 stamped on it.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
RECEIPT

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING

R & M ENTERPRISES, INC.
18501 CLARK ROAD
LOWELL, IN 46356

FIRST COMMUNITY BANK AND TRUST
BEECHER, IL

70-1165719

0004

NO.

4829

DATE

AMOUNT

01/31/97

*****7,150.00

PAY Seven Thousand One Hundred Fifty (00/100) Dollars

TO THE
ORDER
OF

IDEM -

Julie A. Brown
Robert W. Fiedler

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW
"004829" 1:0719116521: 074"004"

ACCOUNT NUMBER 2830 - 100700

RECEIPT NO. 102700

PROGRAM 412000

AMOUNT \$ 7,150.00 CASH ☐ RECEIVED FROM _____

DATE 2/5/97 REPRESENT _____

CASHIER J.C.

COMMENT



ENTERPRISES, INC.

FEDDELER
CONSTRUCTION / DEMOLITION
LANDFILL

18501 CLARK ROAD
LOWELL, IN. 46356

(219) 696-8905
FAX: (219) 696-8954

January 31, 1997

Cashier's Office (N1324)
Indiana Department of Environmental Management
100 North Senate Avenue, P.O. Box 7060
Indianapolis, Indiana 46206-7060

Re: R&M Enterprises, Inc., FP#45-08

Dear Sir or Madam:

Enclosed you will find a check to cover the operating permit renewal fee for the above mentioned facility in the amount of \$7,150. This is in addition to the \$1,500 annual operating fee paid to your agency, the \$.10 per ton tip fee tax, corporation income tax paid to the state and personal state taxes.

If there are any other fees which you would like to assess, please let us know.

Sincerely,

Robert W. Feddeler

Encl.

FEB 4 PM 3:22

120



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT APPLICATION & REGISTRATION
FEE TRANSMITTAL FORM 47215

To begin:

Please read the instruction manual before beginning. This form shall be used to transmit fees for all solid waste management facility permits, applications (NEW permits, RENEWALS of permits, MAJOR and MINOR MODIFICATIONS of permits) and registrations. The current fee schedule was established by Ind. Code § 13-20-21-2 through 13-20-21-3, and is to accompany all payments. Make check or money order payable to the Indiana Department of Environmental Management. Upon completion, return this form and appropriate fees to the following address:

Cashier's Office (N1324)
Indiana Department of Environmental Management
100 North Senate Avenue, P.O. Box 7060
Indianapolis, Indiana 46206-7060

NOTE: A COPY of your check and a COPY of this fee transmittal form must be attached to your permit application or registration. Submit application or registration materials to:

Solid Waste Facilities Branch
Office of Solid and Hazardous Waste Management (N1154)
Indiana Department of Environmental Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

Section A. Applicant(s) Information

Name: R&I Enterprises, Inc.		
Mailing Address: 18501 Clark Road		Street Lowell
State I	Zip Code 46356	City Lowell
Telephone Number (with Area Code): (219)696-8905		
Facility Name and County: The "Feddeler" landfill, Lake County		

Section B. Solid Waste Permit Fee Schedule

The following fees are to accompany applications and registrations.

<u>Applications</u>	<u>Permit Application for New Sites and Major Modifications</u>	<u>Renewal</u>	<u>Minor Modifications</u>
Sanitary Landfill (including MSWLF's and non-MSWLF's)	<input type="checkbox"/> \$31,300	<input type="checkbox"/> \$15,350	<input type="checkbox"/> \$2,500
Processing Facility			
<i>Transfer Station</i>	<input type="checkbox"/> \$12,150	<input type="checkbox"/> \$2,200	<input type="checkbox"/> \$2,500
<i>Other Processing</i>	<input type="checkbox"/> \$12,150	<input type="checkbox"/> \$2,200	<input type="checkbox"/> \$2,500
Incinerators	<input type="checkbox"/> \$28,650	<input type="checkbox"/> \$5,900	<input type="checkbox"/> \$2,500
Restricted Waste Site Type I	<input type="checkbox"/> \$31,300	<input type="checkbox"/> \$15,350	<input type="checkbox"/> \$2,500
Restricted Waste Site Type II	<input type="checkbox"/> \$31,300	<input type="checkbox"/> \$15,350	<input type="checkbox"/> \$2,500
Restricted Waste Site Type III	<input type="checkbox"/> \$20,000	<input type="checkbox"/> \$7,150	<input type="checkbox"/> \$2,500
Construction/Demolition Sites	<input type="checkbox"/> \$20,000	<input checked="" type="checkbox"/> \$7,150	<input type="checkbox"/> \$2,500
<u>Registrations</u>			
Waste Tire Storage	<input type="checkbox"/> \$500		
Waste Tire Processing (i.e. cutting, shredding, etc.)	<input type="checkbox"/> \$200	<input type="checkbox"/> \$200	
Waste Tire Transportation	<input type="checkbox"/> \$25		

EXHIBIT

2

Settlement Conference
Case Number 2000-9610-S
Feddeler Landfill
February 8, 2001

Name	Organization/Phone Number
1. Jennifer Andres	IDEM/OE (317) 233-3831
2. MIKE BYRON	IDEM/OLC 317-233-2360
3. Kirsten Felts	IDEM/OLC (317) 232-7206
4. Jeff Sewell	IDEM/OLC (317) 234-1000
5. Julie Feddeler	RAM (219) 696-8905
6. Bill Feddeler	RAM (219) 696-7380
7. Larry J. Kane	Bingham Summers (317) 635-8900
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

R&M Enterprises, Inc.
Feddeler C/D Landfill
December 6, 1999

Paul Higginbotham IDEM/OE 317-233-5973

Amy McDonnell IDEM/OLC 317-233-5944

Bill Moreau/Larry Kane Bingham Summers 317-635-8900

BRUCE H PALIN IDEM/OLC 317/233-6591

Timothy Boes WRAND Boes + Gordon, 312 922 1030

Julie A FEDDELER-BROWN R&M Enterprises (219) 696-8905

EXHIBIT

3

Indiana Department of Environmental Management
Restricted Waste Site Type III & Construction/Demolition Site
Inspection Report

Page 1 of

2B1

3odformf,rsf

December, 1996

Facility: Feddler C/D Landfill- LowellPermit #: AbandonedCounty: Lake CountyDate: 8/21/06Time: 10:00amInspected by: Robert Lamprecht

<input checked="" type="checkbox"/> 329 IAC 010-013-004 (c) Permit Compliance	<input checked="" type="checkbox"/> 329 IAC 010-036-006 (b) Salvage Storage	<input checked="" type="checkbox"/> 329 IAC 010-036-013 (a) Fugitive Dust
<input checked="" type="checkbox"/> 329 IAC 010-036-001 (a) Established Roadways	<input checked="" type="checkbox"/> 329 IAC 010-036-007 (a) Safety Devices	<input checked="" type="checkbox"/> 329 IAC 010-036-013 (b) Daily Cover/Control Plan
<input checked="" type="checkbox"/> 329 IAC 010-036-001 (b) Restricted Access	<input checked="" type="checkbox"/> 329 IAC 010-036-007 (b) First Aid Kit	<input checked="" type="checkbox"/> 329 IAC 010-036-014 (a) Cover Continuous Maintenance
<input checked="" type="checkbox"/> 329 IAC 010-036-002 (a) Passable Roads	<input checked="" type="checkbox"/> 329 IAC 010-036-007 (c) Communication System	<input checked="" type="checkbox"/> 329 IAC 010-036-014 (b) Establish & Maintain Vegetation
<input checked="" type="checkbox"/> 329 IAC 010-036-002 (b) Tracking Mud	<input checked="" type="checkbox"/> 329 IAC 010-036-008 (a) On-Site/Up-to-Date Plans	<input checked="" type="checkbox"/> 329 IAC 010-036-014 (c) Proper Grading
<input checked="" type="checkbox"/> 329 IAC 010-036-002 (c) Monitoring Well Access	<input checked="" type="checkbox"/> 329 IAC 010-036-008 (b) Quarterly Pbx Plan	<input checked="" type="checkbox"/> 329 IAC 010-036-014 (d) Vegetation Clearing
<input checked="" type="checkbox"/> 329 IAC 010-036-003 Signs	<input checked="" type="checkbox"/> 329 IAC 010-036-008 (c) Furnishing Records to IDEM	<input checked="" type="checkbox"/> 329 IAC 010-036-015 (a) Surface Leachate Management
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (a) Livestock Proliferation	<input checked="" type="checkbox"/> 329 IAC 010-036-008 (d) Retaining Manifests (C/D Sites Only)	<input checked="" type="checkbox"/> 329 IAC 010-036-015 (b) Leachate 50 Ft Beyond SW Boundary
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (b) Vectors, Dust, Odors	<input checked="" type="checkbox"/> 329 IAC 010-036-009 Open Burning	<input checked="" type="checkbox"/> 329 IAC 010-036-016 Leachate Disposal
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (c) Litter	<input checked="" type="checkbox"/> 329 IAC 010-036-010 (a) Waste Deposited in Water	<input checked="" type="checkbox"/> 329 IAC 010-036-017 (a) Receipts & Review of Manifest Copy (C/D Sites Only)
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (d) Dead Animal Disposal	<input checked="" type="checkbox"/> 329 IAC 010-036-011 (a) Cover Soil Type	<input checked="" type="checkbox"/> 329 IAC 010-036-017 (b) Acceptance from Transfer Station (C/D Sites Only)
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (e) Outside Containers	<input checked="" type="checkbox"/> 329 IAC 010-036-011 (b) Cover Maintenance/Abs. Cover Approval	<input checked="" type="checkbox"/> 329 IAC 010-037-001 Closure Performance Standards
<input checked="" type="checkbox"/> 329 IAC 010-036-005 Scavenging	<input checked="" type="checkbox"/> 329 IAC 010-036-012 (a) RWS III-Annual Cover, 6 inches	<input checked="" type="checkbox"/> 329 IAC 010-037-002 (a) Final Cover RWS III
<input checked="" type="checkbox"/> 329 IAC 010-036-006 (a) Salvage Operations	<input checked="" type="checkbox"/> 329 IAC 010-036-012 (b) C/D-Weekly Cover, 6 inches	<input checked="" type="checkbox"/> 329 IAC 010-037-003 Final Cover C/D Sites

CIRCLED ITEMS ARE VIOLATIONS OF 329 IAC 10 or IC 13-20 AND MUST BE CORRECTED.**Comments:**

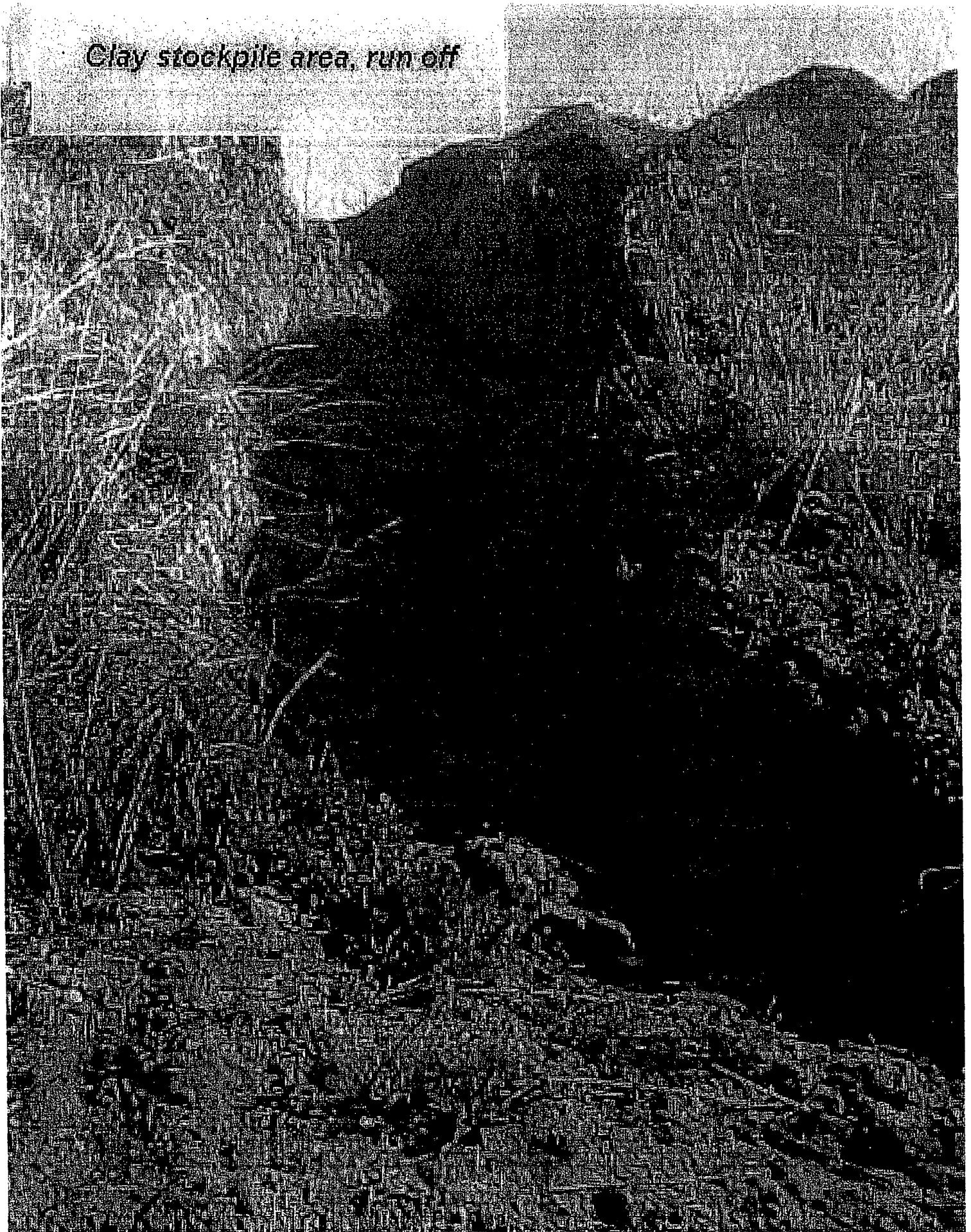
This inspector conducted a follow-up inspection in order to determine the compliance status of the facility after becoming abandoned by Robert Feddler. The excess road to the landfill was found blocked off limiting vehicle traffic from the landfill. The entire landfill was overgrown with weeds and small trees, soil erosion was evident on the slopes with sedimentation going off site. No final cover soils were ever applied to the facility, no sedimentation fencing was found on the downward slopes of the landfill or soil stockpiles. Pounding of surface water was observed on the low laying areas of the closed cells. The excess road to the monitoring wells was overgrown with weeds and brush, the monitoring wells were found unsecured and compromised due to the lack of padlocks. These were my observations in addition to the circled violations noted during the inspection. #122, 124, 126, 151, 152, 153, 154, 160, 162.

Last Inspection Date: _____

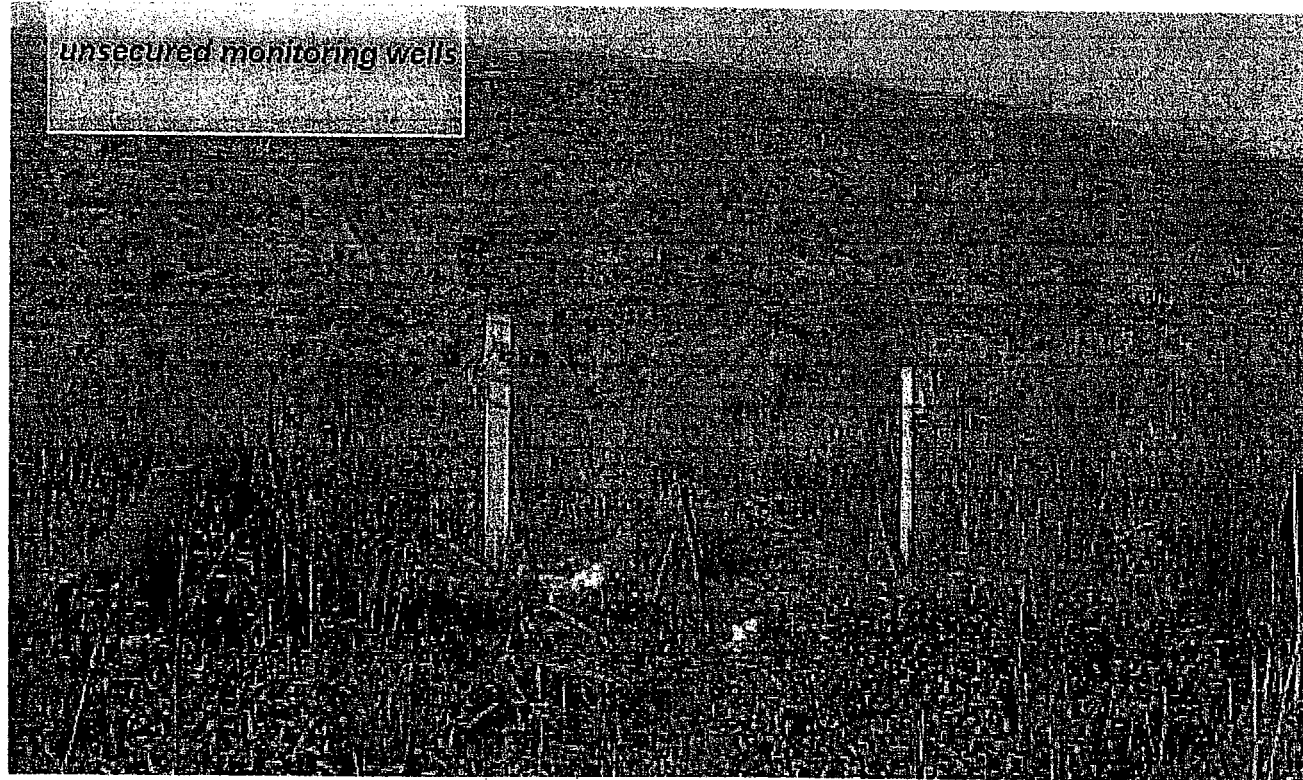
Violations at last inspection: _____

Received by: _____

Clay stockpile area, run off



unsecured monitoring wells



Unsecured monitoring wells



Monitoring wells found
unsecured, locks missing

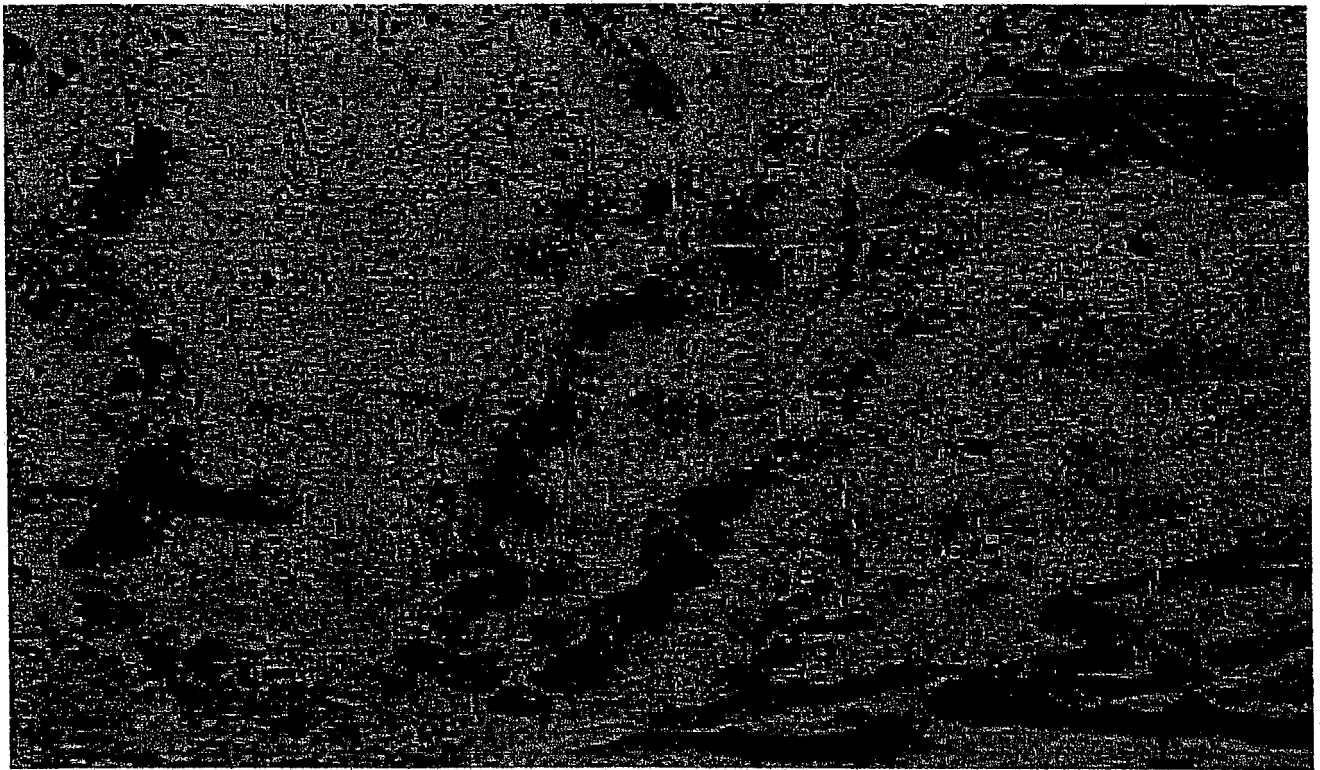


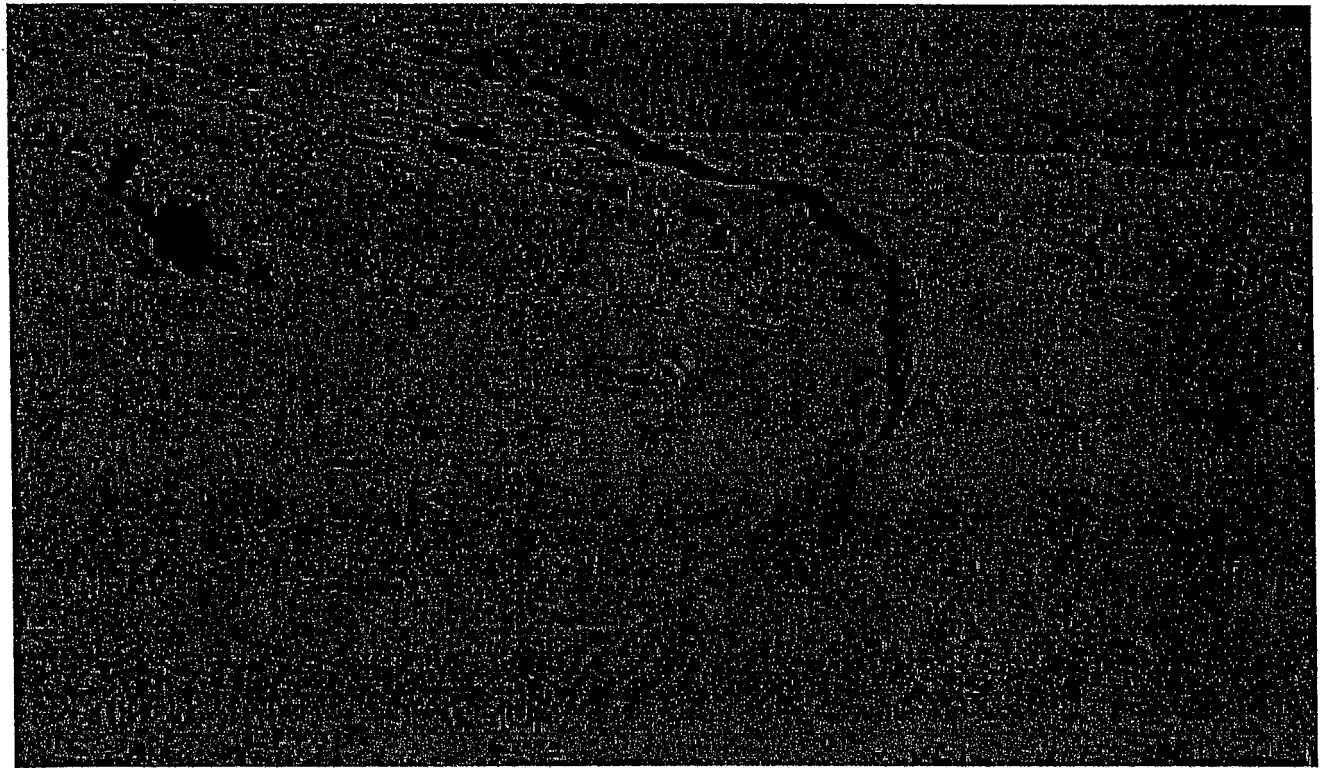
Anybody can just drive into the landfill

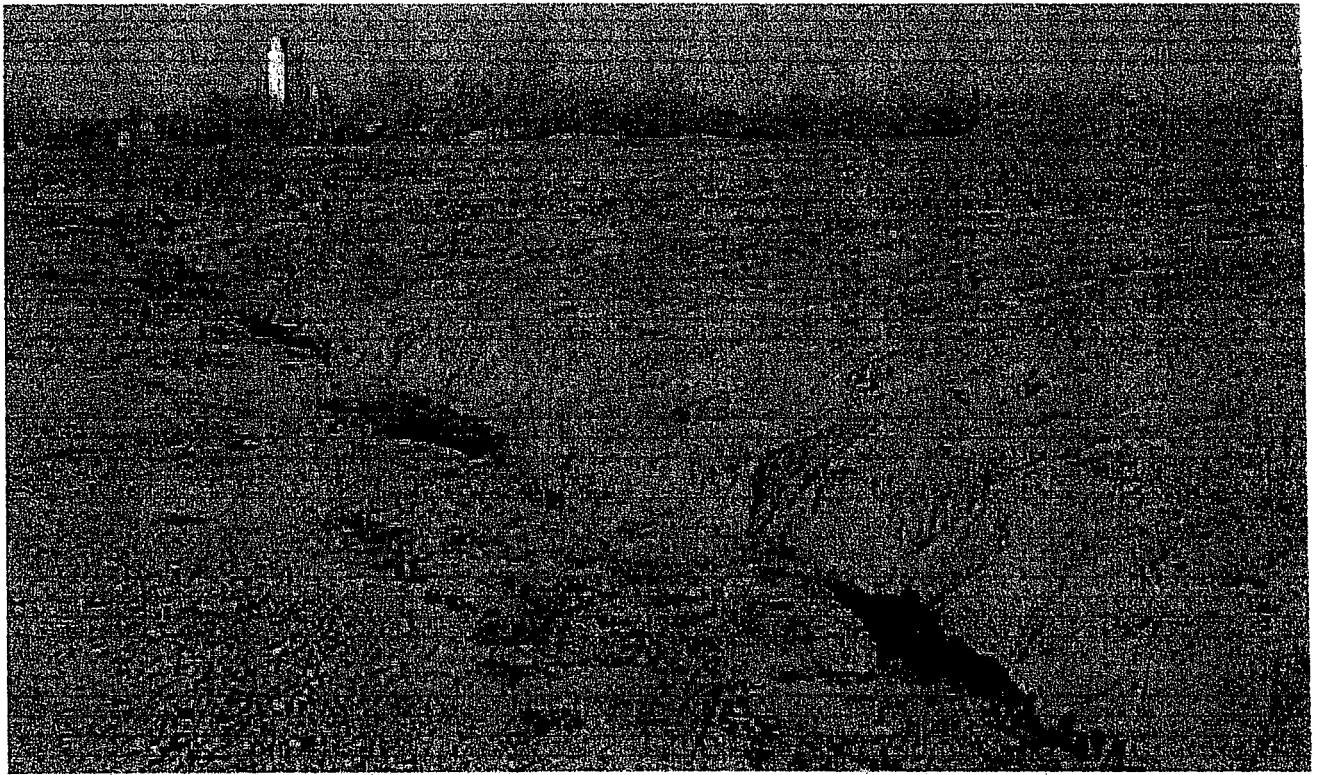
This is where the main gate to the landfill
was, it's now gone

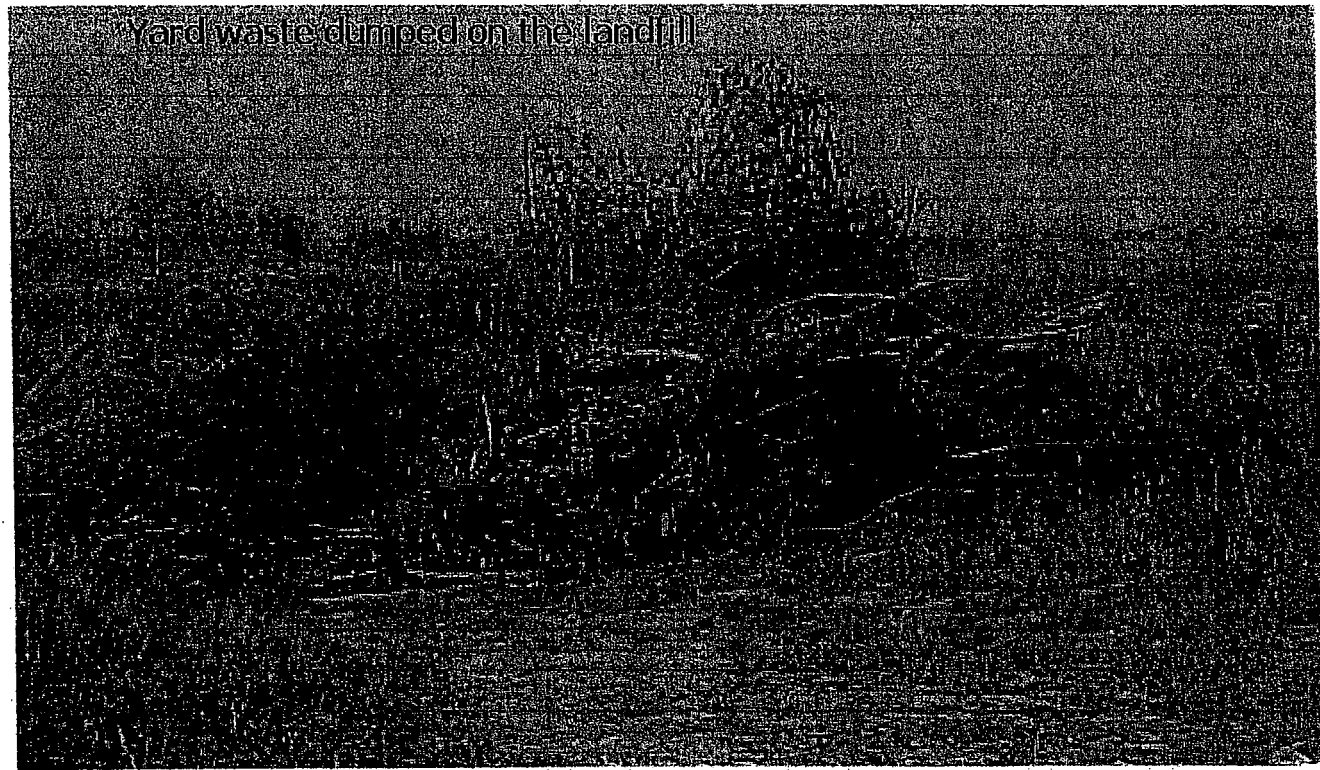
The gate has been moved back several hundred feet near the slopes of the landfill. You can drive around the gate and enter the landfill.

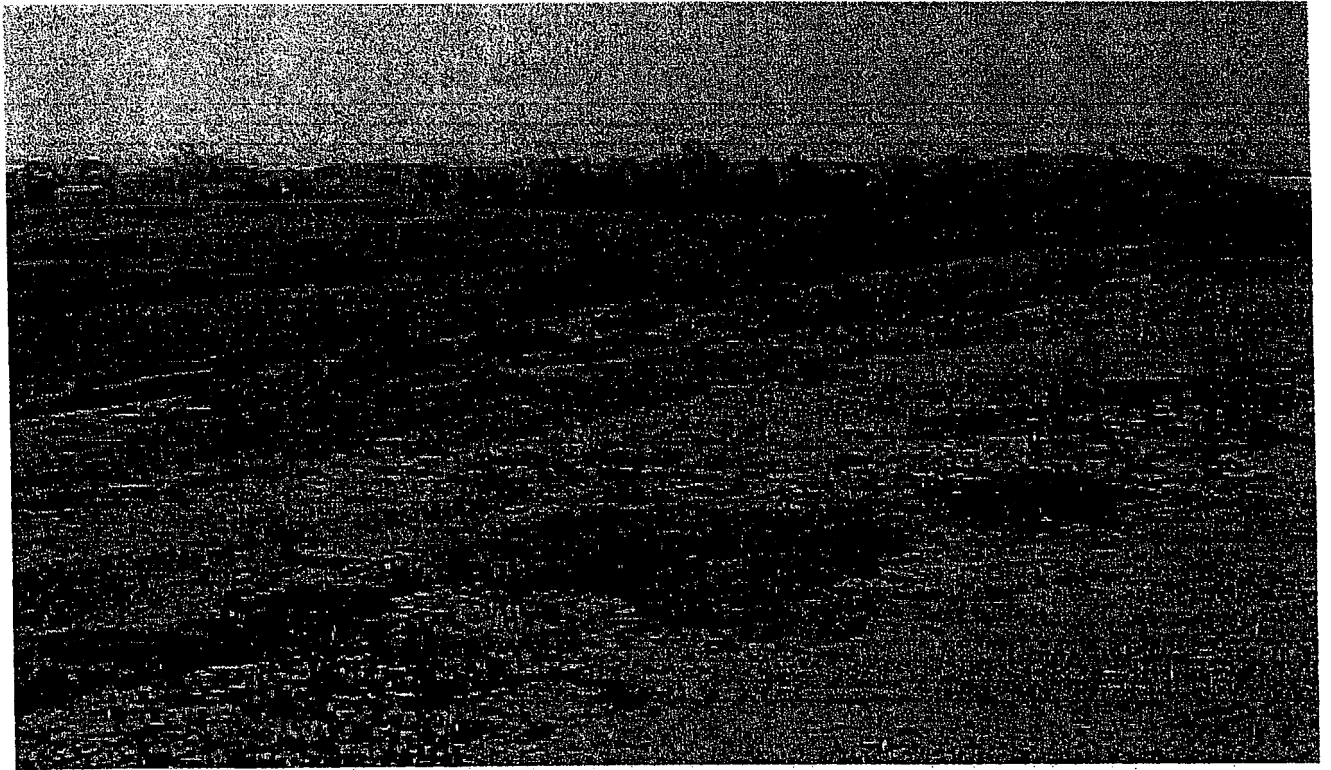
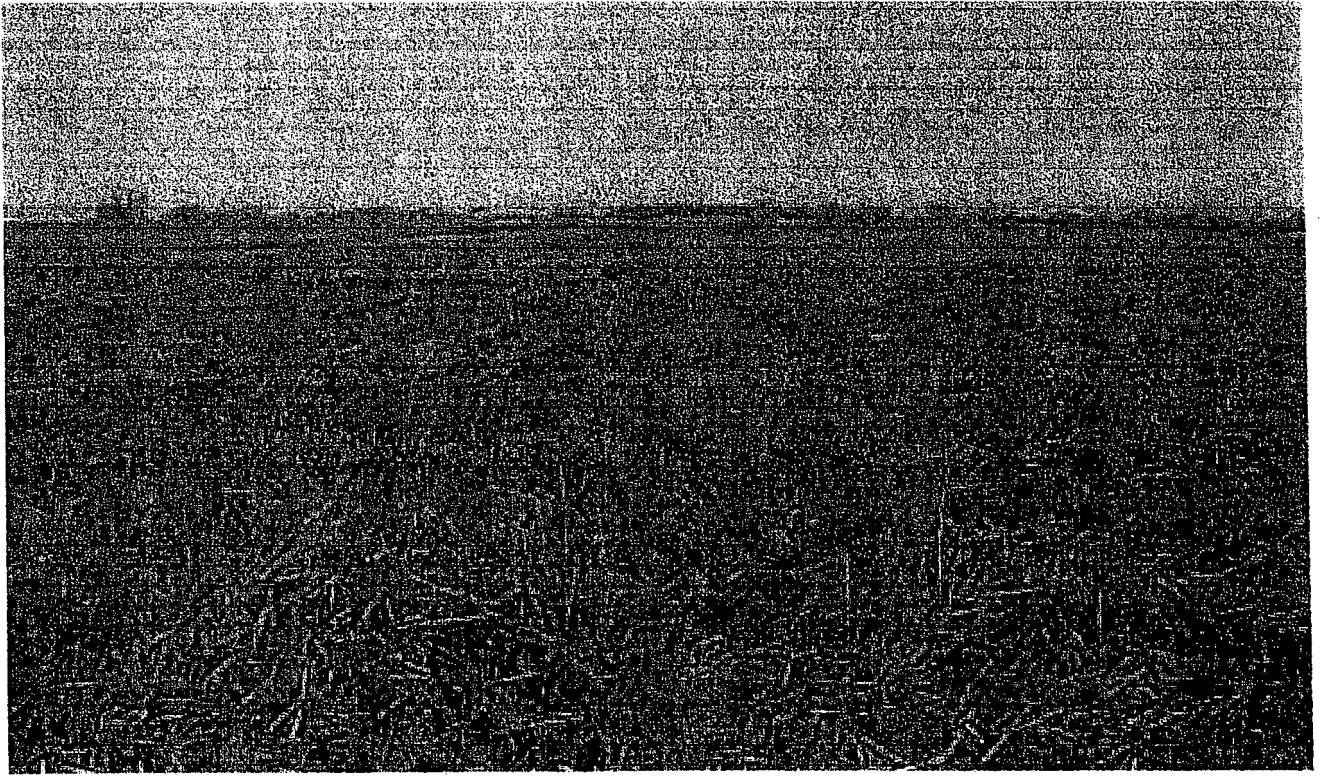


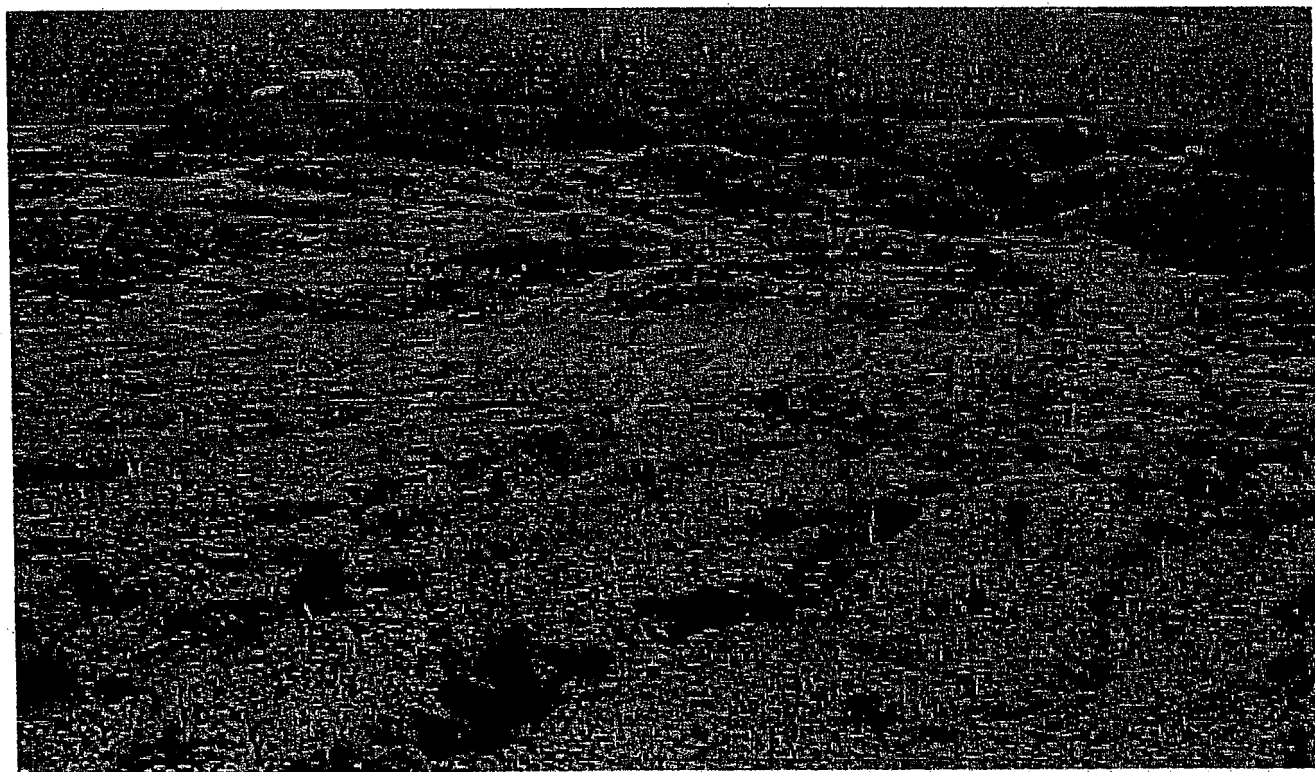
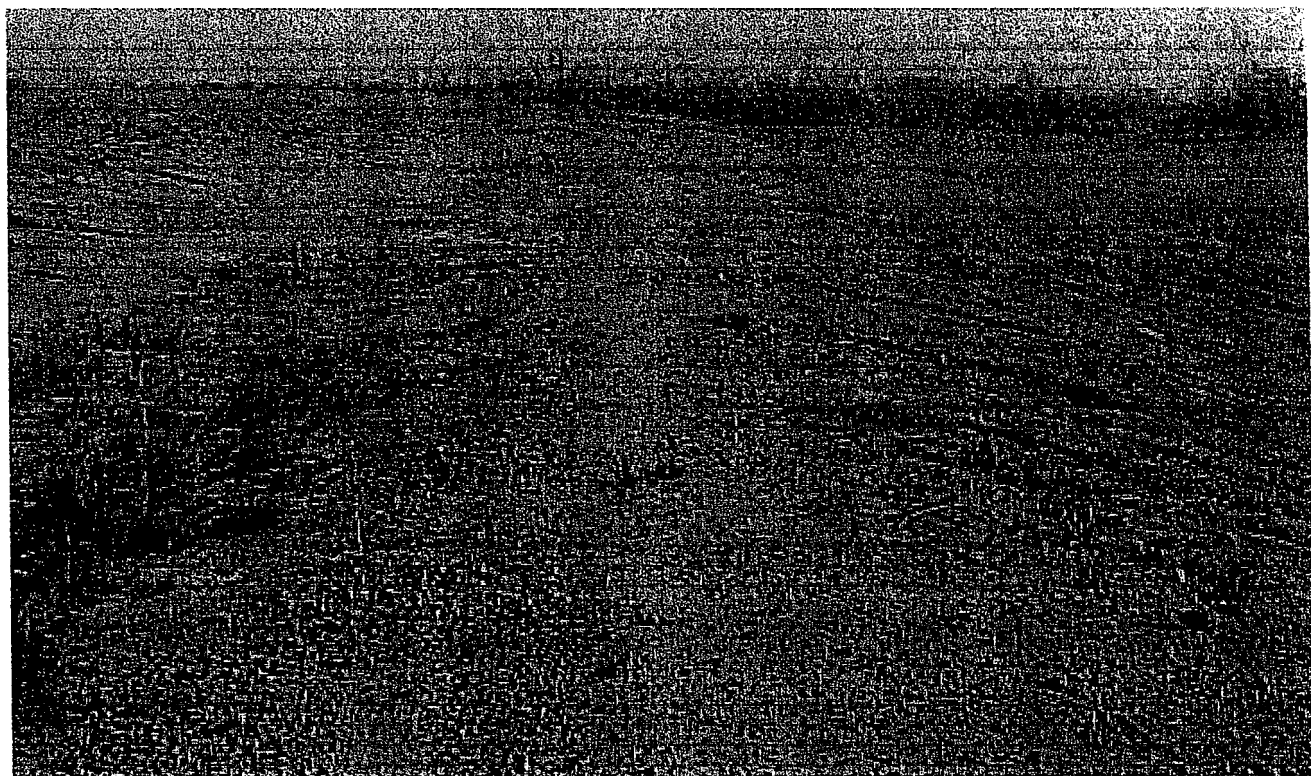


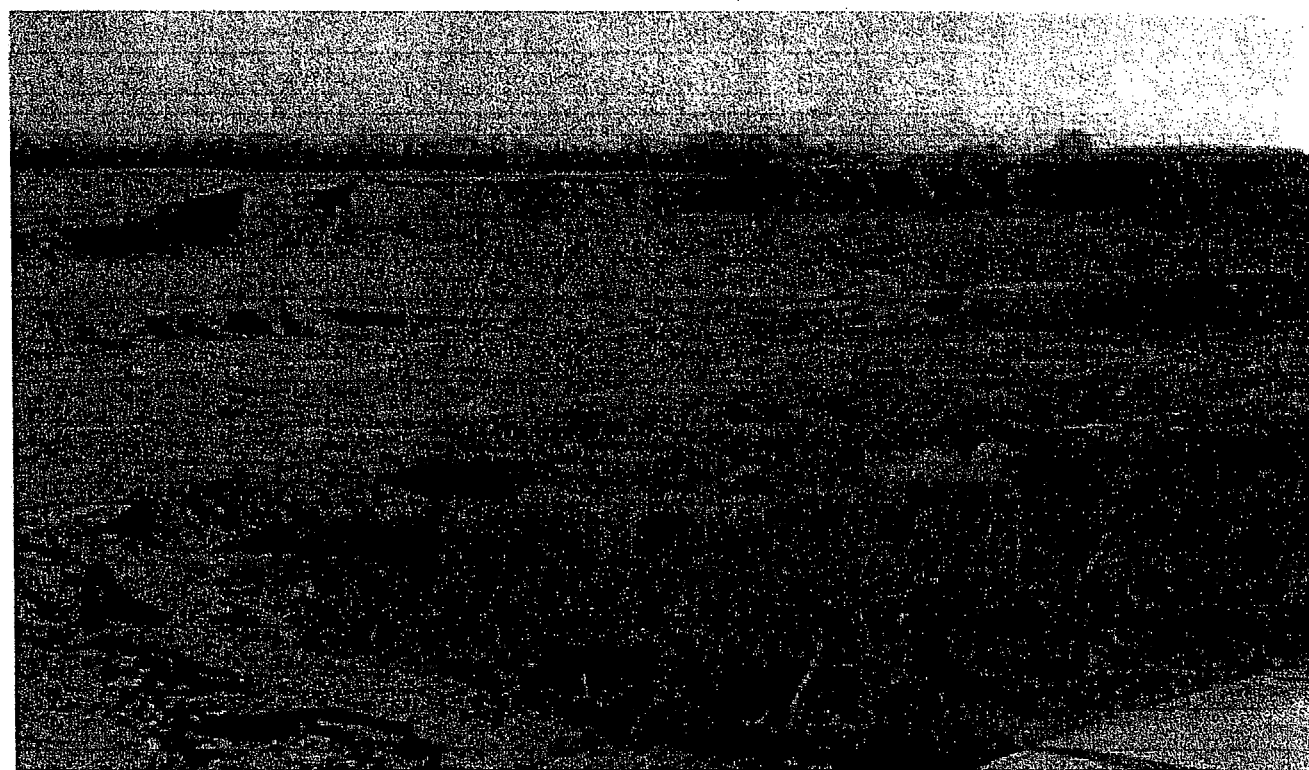
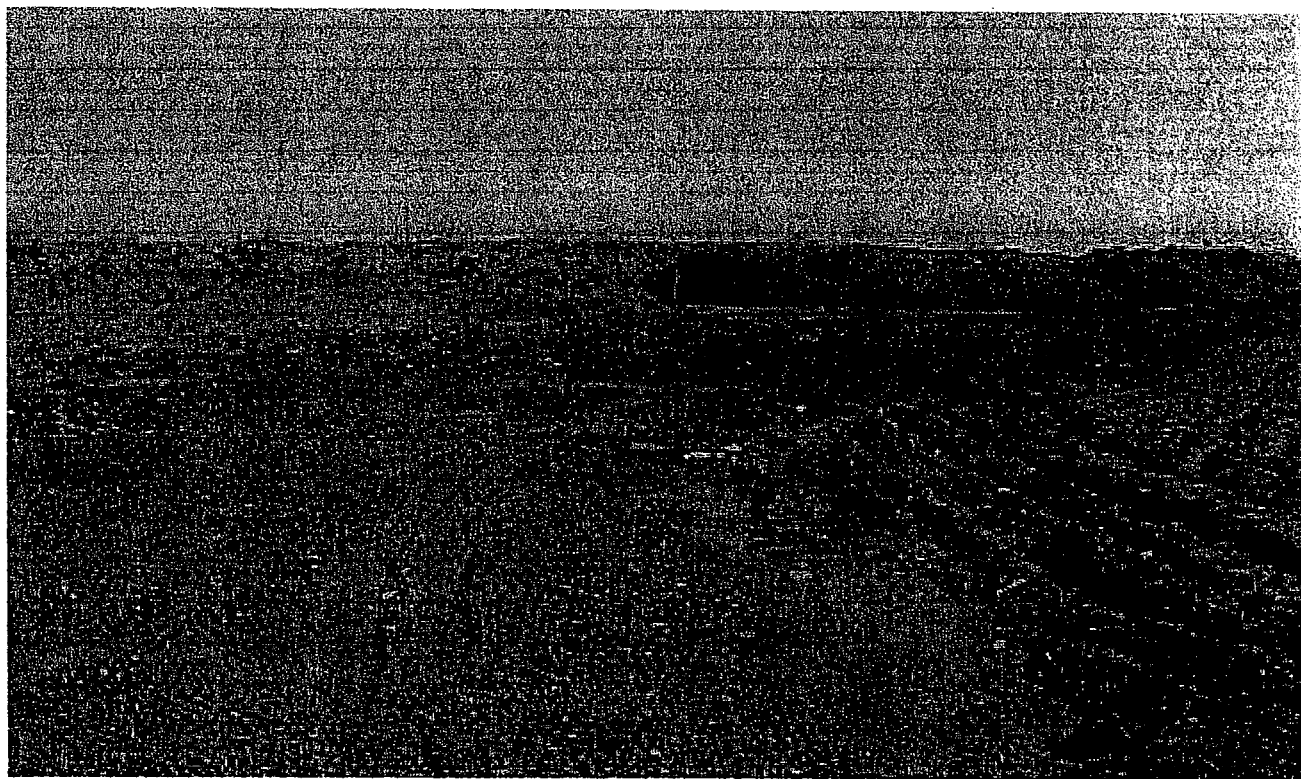












W-IRCF-8-95

Date: 9/13/06 Time: 10:00am County: Lake

Facility: Feddeler landfill (Abandoned)

Location: SR2 east of US-41, Lowell

Permit # ☐☐ - ☐☐ or Non-permitted ☐

Inspected by: Robert Lamprecht- *Robert Lamprecht*

Comments: A follow-up site visit was conducted since the last inspection on 8/21/06. Today's inspection found the security fence to the entrance of the landfill removed allowing direct excess to the top on the landfill. It was also noted that since the last inspection new monitoring wells have been installed near the entrance to the landfill on the south side. Today's site visit was conducted during the height of a heavy rain storm, large volumes of runoff from the landfill slopes carried heavy amounts of sedimentation southward into Bruce Ditch uncontrolled and entering the waters of the State.

*****Continuation of violations since last inspection of 8/21/06

Received by: *a:AA\Notus\IRCF*



Photo 1

Facility Name: Feddeler Landfill
SR2 east of US-41
Lowell

Photographer: B. Lamprecht NWRO-IDEM
Date/Time: 9/13/06, 10:00am

Others Present:

Discription: Address on mail box
front of landfill
10100 SR2
Lowell

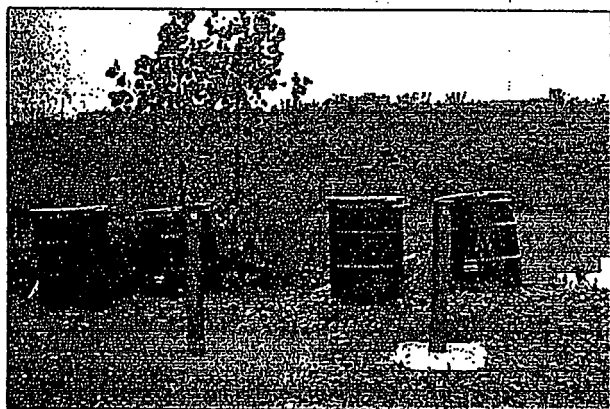


Photo 2

Facility Name: Feddeler Landfill
SR2 east of US-41

Photographer: B. Lamprecht NWRO-IDEM
Date/Time: 9/13/06, 10:00am

Other present:

Discription: New monitoring wells
recently installed

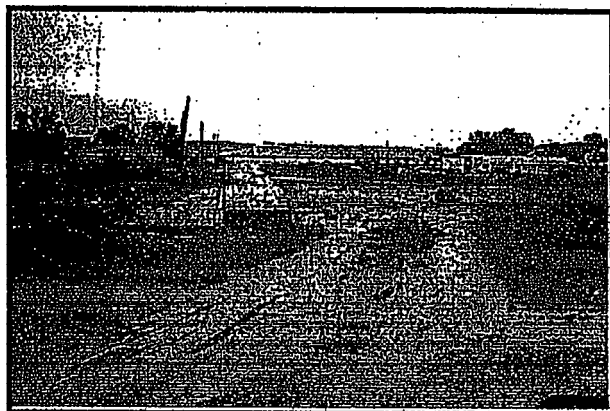


Photo 3

Facility Name: Feddeler Landfill
SR2 east of US-41

Photographer: B. Lamprecht NWRO-IDEM
Date/Time: 9/13/06, 10:00am

Others Present:

Discription: Storm water and
sedimentation flowing south
into Bruce Ditch

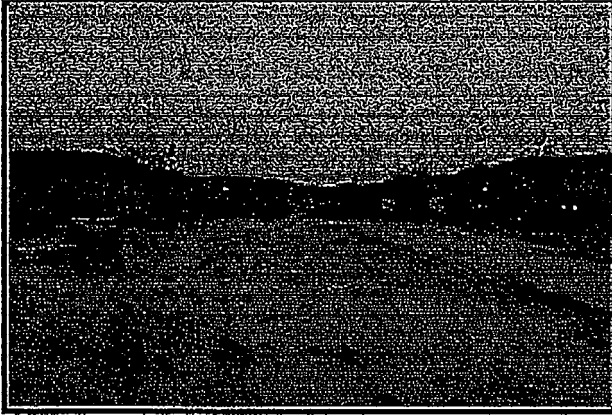


Photo 4

Facility Name: Feddeler Landfill
SR2 east of US-41

Photographer: B. Lamprecht NWRO-IDEM
Date/Time: 9/13/06, 10:00am

Others Present:

Discription: Large volumes of storm
waters flowing south off of
the landfill into Bruce Ditch

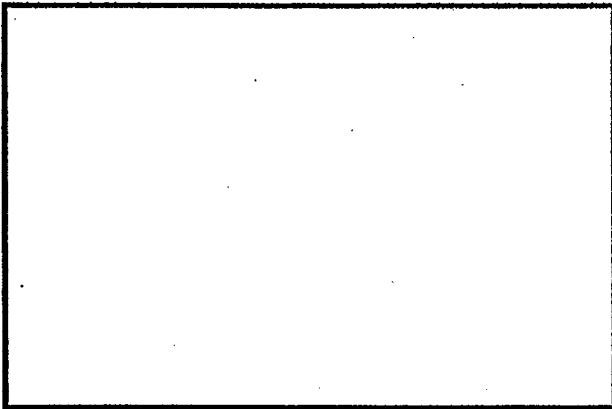


Photo 5

Facility Name:

Photographer: B. Lamprecht NWRO-IDEM
Date/Time:

Others Present:

Discription:

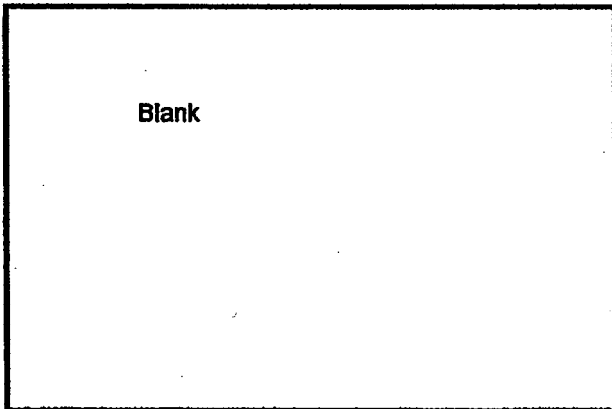


Photo 6

Facility Name:

Photographer: B. Lamprecht NWRO-IDEM
Date/Time:

Others Present:

Discription:

EXHIBIT

4

**Indiana Department of Environmental Management
Restricted Waste Site Type III & Construction/Demolition Site
Inspection Report**

Page 1 of 3

3cdformf.rsl

281

December, 1996

Facility: Feddeler Landfill

Permit #: 45-08

County: Lake

Date: 6/21/99

Time: 8:27Am

Inspected by: Robert Lamprecht-

121 329 IAC 010-013-004 (c) Permit Compliance	135 329 IAC 010-036-006 (b) Salvage Storage	149 329 IAC 010-036-013 (a) Fugitive Dust
122 329 IAC 010-036-001 (a) Established Roadways	136 329 IAC 010-036-007 (a) Safety Devices	150 329 IAC 010-036-013 (b) Daily Cover/Control Plan
123 329 IAC 010-036-001 (b) Restricted Access	137 329 IAC 010-036-007 (b) First Aid Kit	151 329 IAC 010-036-014 (a) Cover Continuous Maintenance
124 329 IAC 010-036-002 (a) Passable Roads	138 329 IAC 010-036-007 (c) Communication System	152 329 IAC 010-036-014 (b) Establish & Maintain Vegetation
125 329 IAC 010-036-002 (b) Tracking Mud	139 329 IAC 010-036-008 (a) On-Site/Up-to-Date Plans	153 329 IAC 010-036-014 (c) Proper Grading
126 329 IAC 010-036-002 (c) Monitoring Well Access	140 329 IAC 010-036-008 (b) Quarterly Plot Plan	154 329 IAC 010-036-014 (d) Vegetation Clearing
127 329 IAC 010-036-003 Signs	141 329 IAC 010-036-008 (c) Furnishing Records to IDEM	155 329 IAC 010-036-015 (a) Surface Leachate Management
128 329 IAC 010-036-004 (a) Livestock Present	142 329 IAC 010-036-008 (d) Retaining Manifests (C/D Sites Only)	156 329 IAC 010-036-015 (b) Leachate 50 Ft Beyond SW Boundary
129 329 IAC 010-036-004 (b) Vectors, Dust, Odors	143 329 IAC 010-036-009 Open Burning	157 329 IAC 010-036-016 Leachate Disposal
130 329 IAC 010-036-004 (c) Litter	144 329 IAC 010-036-010 (a) Waste Deposited in Water	158 329 IAC 010-036-017 (a) Receipt & Review of Manifest Copy (C/D Sites Only)
131 329 IAC 010-036-004 (d) Dead Animal Disposal	145 329 IAC 010-036-011 (a) Cover Soil Type	159 329 IAC 010-036-017 (b) Acceptance from Transfer Station (C/D Sites Only)
132 329 IAC 010-036-004 (e) Outside Containers	146 329 IAC 010-036-011 (b) Cover Maintenance/Alt. Cover Approval	160 329 IAC 010-037-001 Closure Performance Standards
133 329 IAC 010-036-005 Scavenging	147 329 IAC 010-036-012 (a) RWS III-Annual Cover, 6 inches	161 329 IAC 010-037-002 (a) Final Cover RWS III
134 329 IAC 010-036-006 (a) Salvage Operations	148 329 IAC 010-036-012 (b) C/D-Weekly Cover, 6 inches	162 329 IAC 010-037-003 Final Cover C/D Sites

CIRCLED ITEMS ARE VIOLATIONS OF 329 IAC 10 or IC 13-20 AND MUST BE CORRECTED.

Comments: A routine unscheduled compliance inspection was conducted on todays
date and time. Several violations were noted during todays inspection
a detailed discription of those areas of violation are on page #2 of
this report along with a site map indicating the locations of the
noted violations.

Last Inspection Date:

Violations at last inspection:

Received by: FAX 696

Indiana Department of Environmental Management
Office of Solid and Hazardous Waste Management
Solid Waste Compliance-Inspection Report and Comments

Page 2 of 3

IN-IRCF-8-95

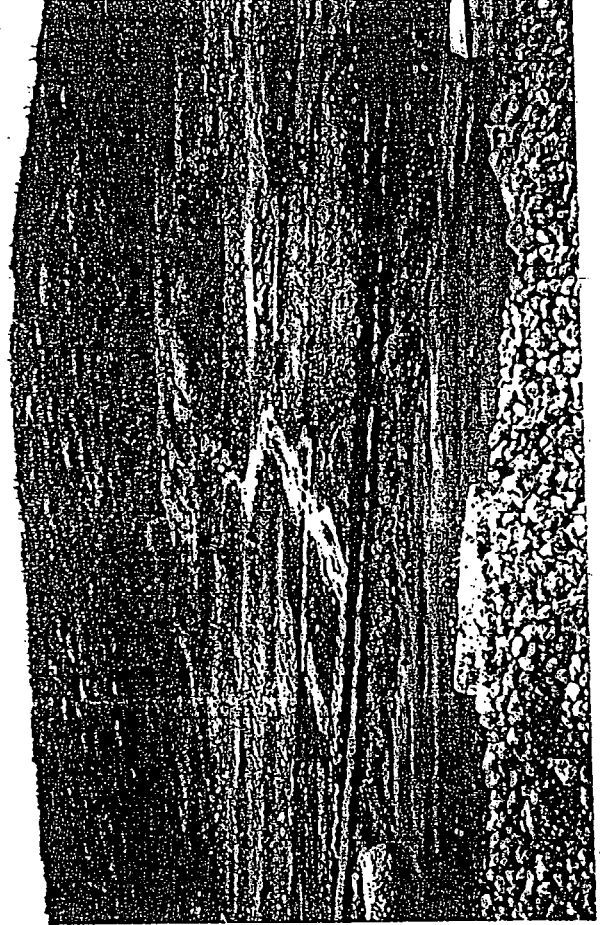
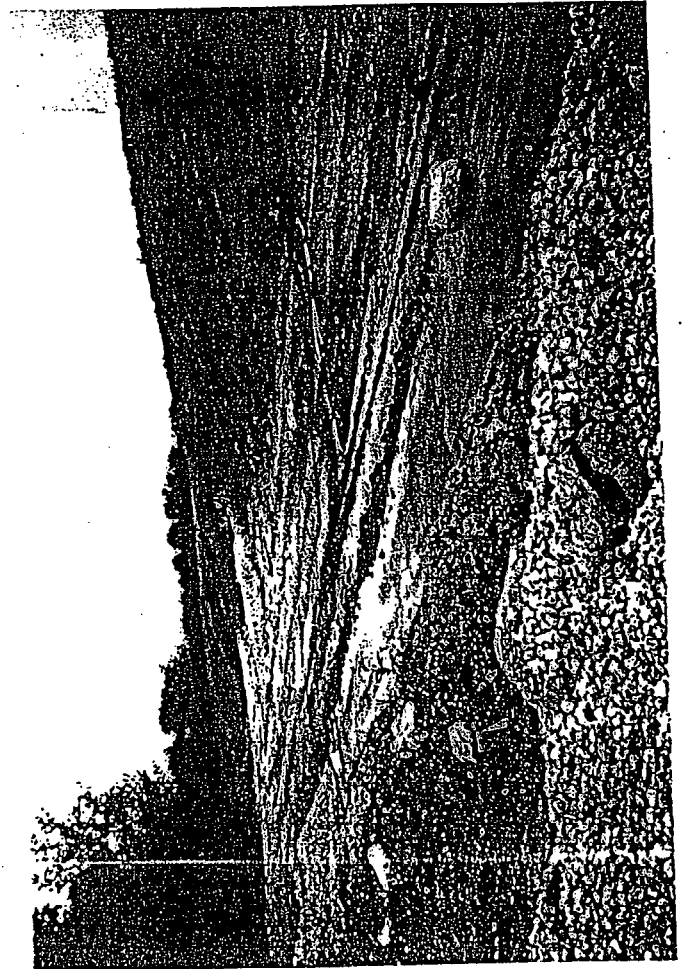
Date: 6/12/99	Time: 8:27Am	County: Lake
Facility: Feddeler Landfill		
Location: Rt#2 Lowell Indiana		
Permit # <input type="checkbox"/> 45 <input type="checkbox"/> — <input type="checkbox"/> 08 <input type="checkbox"/> or Non-permitted <input type="checkbox"/>		
Inspected by: Robert Lamprecht-		
Comments:		
Area#1- Violation# 155- Located on the eastside of the landfill and along the east slope, leachate leaks were detected within a (35"foot) area. The leachate was getting off site and into a farmers corn field.		
Area #2 " " Located at the southern section on the closed cell ar of the landfill, leachate leaks were detected comming from the south slope of the landfill. These leaks wer not going offsite.		
Area #3 Violation# 130 Litter was found along the fenceline on the east slop of the landfill, on and off site.		
Area #4 At the clay stockpile area north of the landfill the sedimentation fence located on the northside of t pile were in need of maintence. The sedimentation has knocked down the fence in many areas allowing soils to move into unprotected areas of the property next stockpile area and into a corn field.		
Manifest were checked for the past (2) months) and appear in order and copie are attached to this report. Prior to departing the facility this inspector walked the site and pointed out the areas were problems were detected during todays inspection. Landfill management indicated that they would correct the problems starting today.		
Received by:		
a:AA\Notus\IRCF		

Indiana Department of Environmental Management
Office of Solid and Hazardous Waste Management
Solid Waste Compliance-Inspection Report and Comments

Page 3 of 3

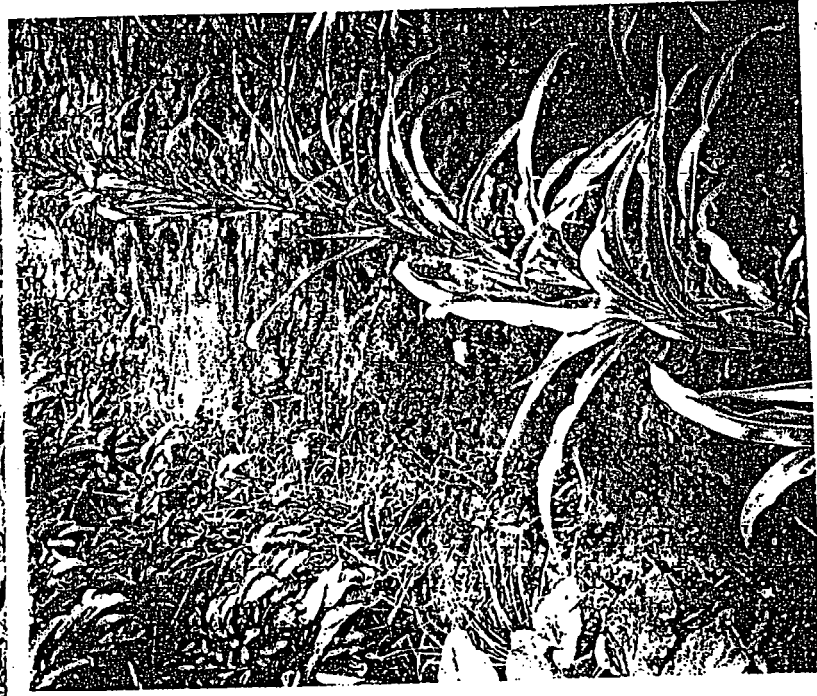
IN-IRCF-8-95

Date: <u>6-21-99</u>	Time: <u>8:27</u>	County: <u>LAKE</u>
Facility: <u>Feldhofer Landfill</u>		
Location:		
Permit # <u>45</u> - <u>08</u> or Non-permitted <input type="checkbox"/>		
Inspected by:		
<p>Comments:</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;"> <p><u>AREA #4</u></p> <p>N A W < > E V S</p> </div> <div style="width: 65%;"> <p style="text-align: center;"><u>CLAY</u> <u>stockpile</u></p> <p style="text-align: right;"><u>AREA #1</u></p> <p style="text-align: right;"><u>AREA #3</u></p> <p style="text-align: center;"><u>AREA #2</u></p> <p style="text-align: right;"><u>OFFICE</u></p> <p style="text-align: center;"><u>Road</u></p> </div> </div>		
Photos Taken:		
Received by:		



Feddeler Landfill 6/21

AREA#2 LEACHATE LEAK



Feddeler Landfill 6/21 AREA#1 & 3 Leachate leaks on and off site into farmer crop, and litter being detected

EXHIBIT

5



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.state.in.us/idem (6/28/01)

STATE OF INDIANA)
)
COUNTY OF MARION) SS: BEFORE THE INDIANA DEPARTMENT
 OF ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT)

Complainant,)

v.)

Case No. 2000-9610-S

R&M ENTERPRISES D.B.A. FEDDELER)
LANDFILL)

Respondent.)

NOTICE AND ORDER OF THE
COMMISSIONER OF THE
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

VIA CERTIFIED MAIL No. 7000 0600 0026 8293 6571

TO: Robert W. Feddeler, President
R&M Enterprises d.b.a. Feddeler Landfill
18501 Clark Road
Lowell, IN 46356

Following is the Notice and Order of the Commissioner of the Department of Environmental Management issued against the Respondent for violation of the Indiana Environmental Management Act. This Order is issued pursuant to IC 13-30-3-4, IC 13-30-3-10, and IC 13-30-3-11, and is based on violations found during investigations conducted by the Office of Land Quality. During the investigations, it was determined that the Respondent was in violation of 329 IAC 10, 329 IAC 11, IC 13 and Permit #45-08 as specified below:

FINDING OF VIOLATION

1. Respondent is R&M Enterprises, d.b.a. Feddeler Landfill (hereinafter referred to as "Respondent"), Permit #45-08, located at 18505 Clark Road, Lowell, Lake County, Indiana (the "Site").
2. Designated representatives of IDEM conducted inspections at the Site on May 14, 1999, July 19, 2000, August 28, 2000, and September 1, 2000.
3. On the inspections noted above, the Respondent was found in violation of:
 - A. Pursuant to 329 IAC 10-14-1(c), a quarterly tonnage report of solid waste received at the solid waste land disposal facility must be submitted to the commissioner by the owner, operator, or permittee of that facility unless the owner, operator, or permittee has ceased accepting solid waste for a period of at least one (1) calendar quarter and has sent written notification indicating the initiation of final closure. Quarterly tonnage reports have not been submitted in a timely manner.
 - B. Pursuant to 329 IAC 10-36-4(c), windblown materials and litter must be collected and buried daily. Windblown materials must be controlled by effective means so that they do not constitute or contribute to a nuisance. On the August 28, 2000, and September 1, 2000, inspection dates, windblown materials were not being effectively controlled resulting in litter leaving the Site contributing to a nuisance.
 - C. Pursuant to Facility Permit #45-08, Permit Condition A17, windblown litter shall be collected daily. On the August 28, 2000, and September 1, 2000, inspection dates, windblown litter was not being properly collected at the Site.
 - D. Pursuant to 329 IAC 10-36-10, a construction/demolition site must not deposit solid waste in standing or ponded water except for that water resulting from precipitation directly upon the working face. On the August 28, 2000, and September 1, 2000, inspection dates, waste was found deposited in standing water that did not result from precipitation directly upon the working face.
 - E. Pursuant to Facility Permit #45-08, Permit Condition A13, solid waste shall not be deposited in standing or ponded water, except for water resulting from precipitation directly upon the working face. On the August 28, 2000, and September 1, 2000, inspection dates, waste was found deposited in standing water that did not result from precipitation directly upon the working face.

- F. Pursuant to 329 IAC 10-36-14(a), cover material applied as required in sections 11 through 13 of this rule and 329 IAC 10-37 must be continuously maintained, including application and compaction of additional cover as needed to maintain required depth. On the July 19, 2000, August 28, 2000, and September 1, 2000, inspection dates, cover was inadequate on areas of the Site and was not being continuously maintained.
- G. Pursuant to 329 IAC 10-36-14(b), a grass or ground cover crop must be established and maintained continuously as soon as weather permits and seasonal conditions are suitable on any portion of the construction/demolition site that has received final cover except where other provisions for land use have been approved by the commissioner. On the July 19, 2000, August 28, 2000, and September 1, 2000, inspection dates, a grass and ground cover crop had not been established and maintained on any portion of the Site that had received final cover.
- H. Pursuant to 329 IAC 10-36-15(a) and (b), any leachate on the surface of a construction/demolition site must be immediately managed or controlled to prevent off-site migration. Any surface movement of leachate past a point of fifty (50) feet outside of the solid waste boundary is prohibited except as specified in the facility permit. On the August 28, 2000, and September 1, 2000, inspection dates, leachate was observed migrating further than fifty (50) feet beyond the solid waste boundary and was not being immediately managed to prevent off-site migration.
- I. Pursuant to Facility Permit #45-08, Permit Condition A9, any leachate seeps on the surface of the site shall be immediately managed to prevent off-site migration. Any surface movement of leachate past a point of fifty (50) feet outside of the approved solid waste boundaries is prohibited. On the August 28, 2000, and September 1, 2000, inspection dates, leachate was observed migrating further than fifty (50) feet beyond the solid waste boundary and was not being immediately managed to prevent off-site migration.
- J. Pursuant to 329 IAC 10-36-17 (a), prior to accepting a shipment of municipal waste from a transfer station located inside or outside of Indiana, a construction/demolition site must receive a copy of a manifest and must review the manifest to determine whether the items listed under 329 IAC 11-15-3 are included on the manifest. On the May 14, 1999 inspection, it was discovered that the Respondent had accepted shipments of municipal waste from the Ravenswood Disposal Service, a transfer station located in Illinois, without being manifested.

- K. Pursuant to 329 IAC 10-36-17 (b), a construction/demolition site must not knowingly accept a shipment of municipal waste from a transfer station located inside or outside of Indiana if: (1) the municipal waste is not accompanied by a manifest that contains the information required under 329 IAC 11-15-3. On the May 14, 1999 inspection, it was discovered that the Respondent had accepted shipments of municipal waste from the Ravenswood Disposal Service, a transfer station located in Illinois, without being manifested.
- L. Pursuant to 329 IAC 10-39-2(a), a permittee shall establish financial responsibility for closure of the solid waste land disposal facility. Respondent does not have financial responsibility for closure of the Site.
- M. Pursuant to 329 IAC 10-39-3 (a)(2)(B), the permittee shall establish financial responsibility for post-closure care of the solid waste land disposal facility. Respondent does not have financial responsibility for post closure of the Site.
- N. Pursuant to 329 IAC 11-21-3, all transfer stations, other than those excluded under 329 IAC 11-2-47, that haul or ship municipal waste to an Indiana solid waste management facility must hold a valid permit under this article if located in Indiana. On July 19, 2000, and August 28, 2000, transfer station activities were observed at the Site without a valid permit.
- O. Pursuant to the Facility Permit # 45-08, Permit Condition D6, the permitte shall submit, along with ground water quality results, a ground water flow direction map and/or potentiometric contour map of the aquifer(s) being monitored at the site to OLQ (formerly OSHWM) on a semiannual basis. Groundwater flow direction maps and/or potentiometric contour maps were not submitted to IDEM for June 1998, June 1999, and December 1999.
- P. Pursuant to the Facility Permit #45-08, Permit Condition D10, all ground water monitoring wells which constitute the facility's permanent ground water monitoring well system shall have water quality samples taken and tested individually on a semiannual basis during June and December. Sampling shall be conducted during each of these months and the water quality results shall be submitted to OLQ (formerly OSHWM) within sixty (60) days of sampling. Groundwater monitoring did not occur and groundwater quality results were not submitted to IDEM for June 1998, June 1999, and December 1999.
- Q. Pursuant to the Facility Permit #45-08, Permit Condition D11, ground water monitoring shall be conducted throughout the active life and the post-closure care period of the facility. Groundwater monitoring did not occur and groundwater

monitoring quality results were not submitted to IDEM for June 1998, June 1999, and December 1999.

- R. Pursuant to IC 13-20-21-8, solid waste annual operation fees begin accruing January 1 of each year and are due not more than thirty (30) days after the date the fees are assessed or on the date the installment is due. Annual operation fees for the Site have not been paid for the year 2000.
 - S. Pursuant to IC 13-20-21-9, solid waste disposal fees must be paid by all solid waste disposal facilities, including construction/demolition disposal facilities. The solid waste disposal fees for the years 1999 and 2000 have not been paid by the due date of March 15, 2000.
 - T. Pursuant to IC 13-30-2-1(1), a person may not discharge, emit, cause, allow, or threaten to discharge, emit, cause or allow any contaminant or waste into the environment in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the appropriate board under the environmental management laws. Leachate migrated off-site and was allowed to be discharged into the environment.
4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation on October 26, 2000, via Certified Mail to:
- Robert W. Feddeler, President
R&M Enterprises d.b.a. Feddeler Landfill
18501 Clark Road
Lowell, IN 46356
- 5. The Respondent received the Notice of Violation on November 30, 2000.
 - 6. The Notice of Violation contained an offer to enter into an Agreed Order containing actions required to correct the violation.
 - 7. More than sixty (60) days have elapsed since Respondent was offered the opportunity to enter into an Agreed Order.
 - 8. In September 2000, the Respondent stopped accepting waste at the Site.
 - 9. On February 8, 2001, a settlement conference was held between IDEM and Respondent.
 - 10. On March 6, 2001, a settlement conference was scheduled between IDEM and the Respondent. The Respondent was not able to make the conference and rescheduled.

11. On March 15, 2001, a settlement conference was scheduled between IDEM and Respondent. The Respondent was not able to make the conference and rescheduled.
12. The Respondent has not entered into an Agreed Order resolving these violations.

ORDER

1. Respondent shall immediately cease and desist violation of 329 IAC 10, 329 IAC 11, IC 13, and Permit #45-08.
2. Respondent shall, pursuant to 329 IAC 10-39-2(c) and 329 IAC 3(a)(2)(B), immediately obtain financial assurance for closure and post closure costs. The post closure financial assurance amount shall reflect an adjustment for groundwater monitoring costs associated with post closure activities.
3. Respondent shall, within ten (10) days of the Effective Date of this Order, submit 3rd and 4th quarter solid waste tonnage reports for 2000.
4. Respondent shall, within fifteen (15) days of the Effective Date of this Order, submit manifests for waste received from the Ravenswood Disposal Service Transfer Station.
5. Respondent shall, within ten (10) days of the Effective Date of this Order, pay the annual operation fees for 2000.
6. Respondent shall, within ten (10) days of the Effective Date of this Order, pay the solid waste disposal fees owed for 1999 and 2000 and submit the semi-annual disposal report associated with the fees.
7. All submittals required by this Agreed Order, unless notified otherwise in writing, shall be sent to:

Jennifer Andres, Enforcement Case Manager
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
8. The Respondent is assessed a civil penalty of fifty four thousand, seven hundred and fifty dollars and no cents (\$54,750.00). Said penalty amount shall be remitted to the Department of Environmental Management within thirty (30) days of the effective date of

this Order. Checks shall be made payable to Environmental Management Special Fund with the Case Number indicated on the check and mailed to:

Cashier
IDEM
100 North Senate Avenue
P.O. Box 7060
Indianapolis, Indiana 46207-7060.

9. This Order shall apply to and be binding upon the Respondent, its officers, directors, principals, agents, successors, subsidiaries, and assigns.
10. The Respondent shall provide a copy of this Order, if in force, to any subsequent owners or successors before the ownership rights are transferred. Respondent shall ensure that all contractors, firms, and other persons performing work under this Order comply with the terms of this Order.

EFFECTIVE DATE OF ORDER

Pursuant to IC 13-30-3-5, this Order takes effect twenty (20) days following receipt unless you request review of this Order, before the twentieth day after receipt, by filing a written request for review with the Office of Environmental Adjudication, and serving a copy of the request for review upon the Commissioner of the Indiana Department of Environmental Management. Pursuant to IC 4-21.5-3-7, you may request that the Office of Environmental Adjudication conduct a hearing to review this Order, under IC 4-21.5, in its entirety, or you may limit your request for review to specific findings of fact and/or orders contained in this Order. Requests for review must be submitted to the Office of Environmental Adjudication and the Commissioner of the Indiana Department of Environmental Management at the following addresses:

Director
Office of Environmental Adjudication
ISTA Building
150 W. Market Street
Suite 618
Indianapolis, Indiana 46204

Commissioner
Indiana Dept. of Environmental Management
Indiana Government Center North
100 N. Senate
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Failure to properly submit a request for review, before the twentieth day following receipt of this Order of the Commissioner, waives your right to administrative review of this Order pursuant to IC 4-21.5-3-7 and your right to judicial review of the Order pursuant to IC 4-21.5-5-4. The petition for administrative review must contain the following information:

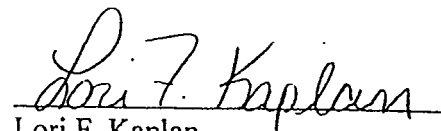
- (1) Name, address, and telephone number of each person filing the petition.
- (2) Identification of the interest of each petitioner in the subject of the petition.
- (3) Statement of facts demonstrating that the petitioner is:
 - (A) a person to whom the order is directed;
 - (B) aggrieved or adversely affected by the order; or
 - (C) entitled to review under any law.
- (4) Statement with particularity the legal issues proposed for consideration in the proceedings.

The petition for administrative review should also contain the following information:

- (1) Identification of any persons represented by the person making the request pursuant to IC 4-21.5-3-15.
- (2) Statement identifying the person against whom administrative review is sought.
- (3) A copy of the notice of the commissioner's action issued by the department of environmental management which is the basis of the petition for administrative review.
- (4) Statement indicating the identification of petitioner's attorney or other representative.

If you have procedural or scheduling questions regarding your request for review you may contact the Office of Environmental Adjudication at (317) 232-8591.

Dated at Indianapolis, Indiana, this 27th day of June, 2001.


Lori F. Kaplan
Commissioner

cc: Lake County Solid Waste Management District
Lake County Health Department
R&M Enterprises d.b.a. Feddeler Landfill 2B2 File
<http://www.ai.org/idem>

EXHIBIT

6



Frank O'Bannon
Governor

John M. Hamilton
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027 (12/28/98)
www.idem.org

VIA CERTIFIED MAIL # Z 540 034 786

NOTICE OF VIOLATION

To: Mr. Robert Feddeler, Owner
R & M Enterprises, Inc.
18501 Clark Road
Lowell, Indiana 46356

Cause No. SW-387

Designated representatives of the Indiana Department of Environmental Management (IDEM) met with representatives of R&M Enterprises, Inc. on May 14, 1998, and July 29, 1998, to discuss overfill issues at the Feddeler Construction/Demolition site, Solid Waste Facility Permit FP #45-08, owned and operated by R&M Enterprises, Inc. located at SR 2, ½ mile East of US 41, Lowell, Lake County, Indiana ("the Site").

During the above noted meetings R&M Enterprises, Inc. disclosed the following violations:

IC 13-30-2-1(7) which states that a person may not: "Construct, install, operate, conduct, or modify, without prior approval of the department, any equipment or facility of any type that may: (A) cause or contribute to pollution; or (B) be designed to prevent pollution. However, the commissioner or the appropriate board may approve experimental uses of any equipment, facility, or pollution control device that is considered necessary for the further development of the state of the art of pollution control." This violation is based on the fact that during the May 14, 1998, meeting, R&M Enterprises, Inc. disclosed that the Site has been filled above and beyond the permitted solid waste boundaries.

329 IAC 10-13-6(d) which states: "To request a change in the facility plans or operation,

the permittee must request that the commissioner modify the permit before any permitted changes are made in the approved plans. The application must provide the rationale for such modification to the commissioner for review. If the commissioner determines that the requested modification is consistent with the standards established in this article, the commissioner shall grant the modification. Only the conditions subject to modifications are reopened. The commissioner shall give notice to the permittee of the determination on the modification in accordance with IC 13-7-10-5 and IC 4-21.5-3-7." (IC 13-7-10-5 has been recodified at IC 13-15-7). This violation is based on the fact that during the May 14, 1998, meeting, R&M Enterprises, Inc. disclosed that the Site has been filled above and beyond the permitted solid waste boundaries without obtaining a permit modification from IDEM.

329 IAC 10-13-4(c) which states: "The permittee shall construct and operate a solid waste land disposal facility in accordance with the permit. The owner, operator, and permittee are equally responsible for complying with the conditions of the permit, the regulations, and the statutes." This violation is based on the fact that during the May 14, 1998, meeting, R&M Enterprises, Inc. disclosed that the Site has been filled above and beyond the permitted solid waste boundaries.

In accordance with IC 13-30-3-3, the Commissioner is required to notify you in writing that the Commissioner believes a violation exists and offer you an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

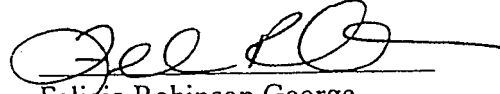
If settlement is not reached within sixty (60) days of your receipt of this Notice, the Commissioner may issue an Order pursuant to IC 13-30-3-4 containing the actions you must take to achieve compliance, the required time frames, and an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day of any violation.

Entering into an Agreed Order will prevent the issuance of an Order of the Commissioner under IC 13-30-3-4 or the filing of a civil court action under IC 13-14-2-6. IDEM encourages timely settlement by Agreed Order, thereby saving time and resources. Timely settlement by Agreed Order may result in a reduced civil penalty. Settlement discussions will also give you the opportunity to present any mitigating factors that may be relevant to the violations. In addition, as provided in IC 13-30-3-3, you may enter into an Agreed Order without admitting that the violation occurred.

To discuss this matter further, please contact Brett E. DeBusk, Case Manager at 317/232-8410 within fifteen (15) days after receipt of this Notice to request a conference. If settlement is reached, an Agreed Order will be prepared and sent to you for review and signature.

FOR THE COMMISSIONER:

Date: 12/23/98


Felicia Robinson George
Assistant Commissioner
Office of Enforcement

cc: Lake County Health Department
Lake County Solid Waste Management District
File 2B2
<http://www.ai.org/idem/>

EXHIBIT

7

**Indiana Department of Environmental Management
Restricted Waste Site Type III & Construction/Demolition Site
Inspection Report**

Page 1 of

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December, 1996

Facility: Robert Feddler Landfill - LowellPermit #: AbandonedCounty: Lake CountyDate: 8/21/06Time: 10:00amInspected by: Robert Lamprecht

<input checked="" type="checkbox"/> 329 IAC 010-013-004 (c) Permit Compliance	<input checked="" type="checkbox"/> 329 IAC 010-036-006 (b) Salvage Storage	<input checked="" type="checkbox"/> 329 IAC 010-036-013 (a) Fugitive Dust
<input checked="" type="checkbox"/> 329 IAC 010-036-001 (a) Established Roadways	<input checked="" type="checkbox"/> 329 IAC 010-036-007 (a) Safety Devices	<input checked="" type="checkbox"/> 329 IAC 010-036-013 (b) Daily Cover/Control Plan
<input checked="" type="checkbox"/> 329 IAC 010-036-001 (b) Restricted Access	<input checked="" type="checkbox"/> 329 IAC 010-036-007 (b) First Aid Kit	<input checked="" type="checkbox"/> 329 IAC 010-036-014 (a) Cover Continuous Maintenance
<input checked="" type="checkbox"/> 329 IAC 010-036-002 (a) Passable Roads	<input checked="" type="checkbox"/> 329 IAC 010-036-007 (c) Communication System	<input checked="" type="checkbox"/> 329 IAC 010-036-014 (b) Establish & Maintain Vegetation
<input checked="" type="checkbox"/> 329 IAC 010-036-002 (b) Tracking Mud	<input checked="" type="checkbox"/> 329 IAC 010-036-008 (a) On-Site/Up-to-Date Plans	<input checked="" type="checkbox"/> 329 IAC 010-036-014 (c) Proper Grading
<input checked="" type="checkbox"/> 329 IAC 010-036-002 (c) Monitoring Well Access	<input checked="" type="checkbox"/> 329 IAC 010-036-008 (b) Quarterly Plot Plan	<input checked="" type="checkbox"/> 329 IAC 010-036-014 (d) Vegetation Clearing
<input checked="" type="checkbox"/> 329 IAC 010-036-003 Signs	<input checked="" type="checkbox"/> 329 IAC 010-036-008 (c) Furnishing Records to IDEM	<input checked="" type="checkbox"/> 329 IAC 010-036-015 (a) Surface Leachate Management
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (a) Livestock Prohibit	<input checked="" type="checkbox"/> 329 IAC 010-036-008 (d) Reaching Methods (C/D Sites Only)	<input checked="" type="checkbox"/> 329 IAC 010-036-015 (b) Leachate 50 Ft Beyond SW Boundary
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (b) Vectors, Dust, Odors	<input checked="" type="checkbox"/> 329 IAC 010-036-009 Open Burning	<input checked="" type="checkbox"/> 329 IAC 010-036-016 Leachate Disposal
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (c) Litter	<input checked="" type="checkbox"/> 329 IAC 010-036-010 (a) Waste Deposited in Water	<input checked="" type="checkbox"/> 329 IAC 010-036-017 (a) Receipt & Return of Manifest Copy (C/D Sites Only)
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (d) Dead Animal Disposal	<input checked="" type="checkbox"/> 329 IAC 010-036-011 (a) Cover Soil Type	<input checked="" type="checkbox"/> 329 IAC 010-036-017 (b) Accession from Transfer Station (C/D Sites Only)
<input checked="" type="checkbox"/> 329 IAC 010-036-004 (e) Outside Containers	<input checked="" type="checkbox"/> 329 IAC 010-036-011 (b) Cover Maintenance/Alt. Cover Approval	<input checked="" type="checkbox"/> 329 IAC 010-037-001 Closure Performance Standards
<input checked="" type="checkbox"/> 329 IAC 010-036-005 Scavenging	<input checked="" type="checkbox"/> 329 IAC 010-036-012 (a) RWS III Annual Cover, 6 inches	<input checked="" type="checkbox"/> 329 IAC 010-037-002 (a) Final Cover RWS III
<input checked="" type="checkbox"/> 329 IAC 010-036-006 (a) Salvage Operations	<input checked="" type="checkbox"/> 329 IAC 010-036-012 (b) C/D Weekly Cover, 6 inches	<input checked="" type="checkbox"/> 329 IAC 010-037-003 Final Cover C/D Sites

CIRCLED ITEMS ARE VIOLATIONS OF 329 IAC 10 or IC 13-29 AND MUST BE CORRECTED.**Comments:**

This inspector conducted a follow-up inspection in order to determine the compliance status of the facility after

becoming abandoned by Robert Feddler. The excess road to the landfill was found blocked off limiting vehicle traffic from the landfill. The entire landfill was overgrown with weeds and small trees, soil erosion was evident on the slopes with sedimentation going off site. No final cover soils were ever applied to the facility, no sedimentation fencing was found on the downward slopes of the landfill or soil stockpiles. Pour ding of surface water was observed on the low laying areas of the closed cells. The excess road to the monitoring wells was overgrown with weeds and brush, the monitoring wells were found unsecured and compromised due to the lack of padlocks. These were my observations in addition to the circled violations noted during the inspection. #122, 124, 126, 151, 152, 153, 154, 160, 162.

Last Inspection Date: _____

Violations at last inspection: _____

Received by: _____

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Dennis Hunter
8002 Austin Ave.
Schererville, Indiana
46375

2. Article Number

(Transfer from service label)

7006 0100 0005 2345 5594

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

B. Received by (Printed Name)

D. Is delivery address different from box 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes